

1  
2  
3  
4  
5  
6  
7  
  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

H.843

Introduced by Representative Townsend of South Burlington

Referred to Committee on

Date:

Subject: Legislature; Vermont Statutes Annotated; technical corrections

Statement of purpose of bill as introduced: This bill proposes to make  
nonsubstantive technical changes to the Vermont Statutes Annotated.

An act relating to technical corrections

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 1 V.S.A. § 314 is amended to read:

§ 314. PENALTY AND ENFORCEMENT

(a) A person who is a member of a public body and who knowingly and  
intentionally violates the provisions of this subchapter, a person who  
knowingly and intentionally violates the provisions of this subchapter on  
behalf or at the behest of a public body, or a person who knowingly and  
intentionally participates in the wrongful exclusion of any person or persons  
from any meeting ~~for which provision is herein made~~, subject to this  
subchapter shall be guilty of a misdemeanor and shall be fined not more than  
\$500.00.

1 \* \* \*

2 Sec. 2. 3 V.S.A. § 311 is amended to read:

3 § 311. CLASSIFIED SERVICE DEFINED; EXCEPTIONS

4 (a) The classified service to which this chapter shall apply shall include all  
5 positions and categories of employment by the State, except as otherwise  
6 provided by law, and except the following:

7 (1) The State Legislature and its employees and other officers elected by  
8 popular vote or by vote of the Legislature and persons appointed to fill  
9 vacancies in elective offices.

10 \* \* \*

11 (13) ~~Town service officers appointed under 33 V.S.A. § 2102.~~  
12 [Repealed.]

13 \* \* \*

14 Sec. 3. 3 V.S.A. § 801 is amended to read:

15 § 801. SHORT TITLE AND DEFINITIONS

16 (a) This chapter may be cited as the “Vermont Administrative  
17 Procedure Act.”

18 (b) As used in this chapter:

19 \* \* \*

20 (11) “Adopting authority” means, for agencies ~~which~~ that are attached  
21 to the Agencies of Administration, of Commerce and Community

1 Development ~~and Community Affairs~~, of Natural Resources, of Human  
2 Services, and of Transportation, or any of their components, the secretaries of  
3 those agencies; for agencies attached to other departments or any of their  
4 components, the commissioners of those departments; and for other agencies,  
5 the chief officer of the agency. However, for the procedural rules of boards  
6 with quasi-judicial powers, for the Transportation Board, for the Vermont  
7 Veterans' Memorial Cemetery Advisory Board, and for the Fish and Wildlife  
8 Board, the chair or executive secretary of the board shall be the adopting  
9 authority. The Secretary of State shall be the adopting authority for the Office  
10 of Professional Regulation.

11 \* \* \*

12 Sec. 4. 3 V.S.A. § 2473 is amended to read:

13 § 2473. DIVISION FOR HISTORIC PRESERVATION

14 The Division ~~of~~ for Historic Preservation is created within the Department  
15 of Housing and Community Development as the successor to and the  
16 continuation of the Board of Historic Sites and the Division of Historic Sites.

17 Sec. 5. 5 V.S.A. § 202 is amended to read:

18 § 202. DEFINITIONS

19 As used in this part of this title, unless the context otherwise requires, the  
20 following definitions shall apply:

21 (1) "Aeronautics" means the science, art, and practice of flight,

1 including transportation by aircraft and matters relating to air commerce; the  
2 operation, construction, repair, or maintenance of aircraft, aircraft power  
3 plants, and aircraft accessories, including the repair, packing, and maintenance  
4 of parachutes; the design, establishment, construction, extension, operation,  
5 improvement, repair, or maintenance of airports, restricted landing areas, or  
6 other air navigation facilities; and air instruction.

7 \* \* \*

8 Sec. 6. 5 V.S.A. § 207 is amended to read:

9 § 207. REGISTRATION; LICENSES, CERTIFICATE OF APPROVAL

10 (a) The Board is authorized to approve airport and restricted landing area  
11 sites or other air navigation facilities in accordance with rules to be adopted by  
12 the Board. Certificates of approval shall be granted for airports and restricted  
13 landing areas ~~which~~ that were being operated on or before July 1, 1945.

14 \* \* \*

15 (h) In emergency circumstances, the Agency may suspend temporarily, and  
16 in nonemergency circumstances, the Board may revoke both temporarily and  
17 permanently, any certificate of approval when it shall determine that an  
18 airport, restricted landing area, or other air navigation facility is not being  
19 maintained or used in accordance with the provisions of this chapter and the  
20 rules ~~promulgated~~ adopted. A person aggrieved by a temporary suspension  
21 issued by the Agency may appeal to the Board within 30 days ~~of~~ after the

1 Agency's decision. Unless otherwise ordered by the Board, the temporary  
2 suspension shall remain in effect pending final determination of the appeal.

3 \* \* \*

4 Sec. 7. 5 V.S.A. § 207a is amended to read:

5 § 207a. CARRYING AND INSPECTION OF AIRMAN LICENSE

6 The federal license, certificate, or permit shall be kept in the personal  
7 possession of the airman when operating within this State and must be  
8 presented for inspection upon the demand of a passenger;<sub>2</sub> a peace officer of  
9 this State;<sub>2</sub> an authorized official, or employee of the Agency;<sub>2</sub> or an official,  
10 manager, or person in charge of any airport in this State upon which ~~there is a~~  
11 ~~landing~~ it shall land. The federal aircraft license, certificate, or permit must be  
12 carried in every aircraft operating in this State at all times and must be  
13 presented for inspection upon the demand of a passenger;<sub>2</sub> a peace officer of  
14 this State; an authorized official, or employee of the Agency;<sub>2</sub> or an official,  
15 manager, or person in charge of any airport in this State upon which it  
16 shall land.

17 Sec. 8. 5 V.S.A. § 208 is amended to read:

18 § 208. INSPECTION

19 To carry out the provisions of this part, the Board or any ~~member~~, of its  
20 members; the Secretary or officers, or employees of the Agency;<sub>2</sub> and any  
21 ~~officers~~, State or municipal, officers charged with the duty of enforcing this

1 part may inspect and examine at reasonable hours any premises, and the  
2 buildings and other structures, where airports, restricted landing areas, air  
3 schools, flying clubs, or other air navigation facilities or aeronautical activities  
4 are operated or carried on.

5 Sec. 9. 5 V.S.A. § 1019 is amended to read:

6 § 1019. CONDEMNATION, APPEALS

7 \* \* \*

8 (c) If any corporation, subject to regulation as a public service corporation  
9 pursuant to Title 30 or as a common carrier or railroad pursuant to ~~parts~~ part  
10 3 or 4 of this title, is aggrieved by the adoption of airport zoning regulations,  
11 or by a direction to lower, remove, reconstruct, or equip a structure, or by  
12 taking of its property or rights in property, or by refusal to grant a variance  
13 permit, within 30 days after the adoption, direction, taking, or refusal, the  
14 corporation may appeal to the Public Utility Commission or the Transportation  
15 Board, as appropriate, and if after notice and a hearing, the appropriate ~~board~~  
16 Commission or Board determines that the public safety, necessity, and  
17 convenience will be best served by the amendment or annulment of the  
18 regulation, direction, or taking, it may order the regulation, direction, or taking  
19 to be amended or annulled, or may grant a variance permit as prescribed in  
20 sections 1011-1013 of this title.

21 Sec. 9a. 5 V.S.A. § 2001 is amended to read:

1 § 2001. TRANSPORTATION OF HAZARDOUS MATERIALS

2 (a) The Secretary of Transportation is authorized to promote safety in the  
3 transportation of hazardous materials by all modes of transportation, and  
4 furthermore:

5 (1) Is authorized to make rules, under 3 V.S.A. chapter 25, governing  
6 transportation of hazardous materials. ~~“Hazardous materials” are~~ As used in  
7 this section, “hazardous matterials” means those substances or materials in  
8 such quantity and form ~~which~~ that may pose an unreasonable risk to health and  
9 safety or property when transported in commerce, by all modes. For purposes  
10 of this section, hazardous materials ~~may include~~ includes explosives,  
11 radioactive materials, etiologic agents, flammable liquids or solids,  
12 combustible liquids or solids, poisons, oxidizing or corrosive materials, and  
13 compressed gases. These rules shall be no less protective of public safety than  
14 the rules promulgated by the federal government with respect to the  
15 transportation of hazardous materials but no rule shall prohibit a person  
16 between ~~the ages of~~ 18 to 21 years of age from operating a motor vehicle  
17 transporting hazardous materials.

18 \* \* \*

19 Sec. 10. 5 V.S.A. § 3478 is amended to read:

20 § 3478. ORGANIZATION OF RAILROAD CORPORATIONS;

21 CONTINUATION OF EXISTING CORPORATIONS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

(b) Any domestic railroad corporation in existence ~~on the effective date of this act~~ before July 1, 1994 shall continue in existence and shall not be required to file new or amended articles of incorporation or to obtain a new or amended charter to continue its corporate existence.

(c) Any foreign railroad corporation authorized to do business in this State ~~on the effective date of this act~~ before July 1, 1994 shall continue to be authorized to do business in this State, and shall not be required to obtain a new or amended certificate of authority.

\* \* \*

Sec. 11. 5 V.S.A. § 3529 is amended to read:

§ 3529. WHEN OWNER IS AN INFANT OR HAS AN INTELLECTUAL  
OR PSYCHIATRIC DISABILITY

When the owner of the land or estate is an infant, or lacks capacity to protect his or her interests due to an intellectual or psychiatric disability, or does not reside in this State, or is not known, the corporation shall cause the damages sustained by the owner to be determined in the manner ~~heretofore~~ described in this subchapter, and shall pay the same to the lawful owner when demanded, with interest thereon. Such damages and interest shall be a specific lien upon the real estate of such corporation, and be preferred before any other demand against such corporation.

1 Sec. 12. 5 V.S.A. § 3639 is amended to read:

2 § 3639. FARM CROSSINGS AND CATTLE GUARDS; CONSTRUCTION  
3 AND MAINTENANCE

4 (a) A person or corporation owning or operating a railroad shall construct  
5 and maintain farm crossings of the road for the use of the proprietors of lands  
6 adjoining the railroad, and cattle guards at all farm and road crossings  
7 sufficient to prevent cattle and animals from getting on the railroad. A farm  
8 crossing may be temporarily or permanently closed or discontinued by mutual  
9 agreement between all parties having an interest therein. If no such mutual  
10 agreement can be reached by such interested parties, then a person or  
11 corporation owning or operating a railroad and desiring to close any farm  
12 crossing shall make application to the Transportation Board. The Board shall  
13 thereupon give notice to all parties interested, in such manner as the Board  
14 may direct, of hearing on ~~such~~ the application, ~~such~~ the hearing to be in the  
15 county where such crossing is located. After ~~such~~ the hearing, a person or  
16 corporation owning or operating a railroad shall not close such farm crossing  
17 without the approval of the Transportation Board. A person aggrieved by the  
18 closing of a farm crossing after January 1, 1955, by a person or corporation  
19 owning or operating a railroad may notify the Transportation Board by  
20 registered or certified mail of ~~such~~ the closing, and thereupon ~~such~~ the Board  
21 shall conduct a hearing. Notice and place of hearing shall be as hereinbefore

1 provided. The Transportation Board may require the reopening of any such  
2 crossing and make such other order as is permitted in section 3649 of this title.  
3 At any such hearing, the burden of proof shall rest with the person or persons  
4 effecting or seeking to effect the closing of such farm crossing. Any person  
5 aggrieved by an order of the Transportation Board may, in accordance with  
6 Rule ~~75~~ 74 of the Vermont Rules of Civil Procedure, appeal to the Superior  
7 Court, whereupon such cause shall be tried as an original action brought under  
8 the provisions of 12 V.S.A. § 402.

9 \* \* \*

10 Sec. 13. 5 V.S.A. § 3670 is amended to read:

11 § 3670. CLEARANCE STANDARDS; VARIANCE

12 \* \* \*

13 (d) Notwithstanding this section, tracks, bridges, and structures lawfully in  
14 existence ~~(or already under construction) on the effective date of this act~~  
15 before July 1, 1990 may continue to be used and repaired, provided that  
16 clearances are not further reduced.

17 Sec. 14. 6 V.S.A. § 238 is redesignated to read:

18 § 238. ~~REGULATIONS~~ RULES

19 Sec. 15. 6 V.S.A. § 333 is amended to read:

20 § 333. PENALTIES

21 (a) Any person who violates any provision of this chapter, the rules

1 ~~promulgated~~ adopted under this chapter, or an order of the Secretary made  
2 pursuant to this chapter shall be subject to a criminal fine not to exceed  
3 \$1,000.00. Each violation shall be a separate and distinct offense and in the  
4 case of a continuing violation each day's continuance shall be deemed a  
5 separate and distinct offense.

6 (b) A State's Attorney or the Attorney General to whom any violation is  
7 reported may cause appropriate proceedings to be instituted and prosecuted in  
8 a court of competent jurisdiction without delay.

9 \* \* \*

10 Sec. 16. 6 V.S.A. § 355 is amended to read:

11 § 355. ENFORCEMENT; ~~REGULATIONS~~ RULES; INSPECTORS

12 The Secretary of Agriculture, Food and Markets, through the ~~division of~~  
13 ~~markets~~ Division of Business Development, shall enforce the provisions of this  
14 chapter and shall establish such rules ~~and regulations~~ and employ such  
15 inspectors as are deemed necessary and advisable. Such duly appointed  
16 inspectors shall have free access at all reasonable hours to any building or  
17 other place wherein it is reasonable to believe eggs are being sold, offered, or  
18 exposed for sale.

19 ~~Sec. 17. [Deleted.]~~

20 ~~Sec. 18. [Deleted.]~~

*Sec. 17. 6 V.S.A. § 363 is amended to read:*

§ 363. DEFINITIONS

~~When~~ As used in this chapter:

\* \* \*

(7) “Guaranteed analysis” means:

\* \* \*

(B) in reference to agricultural lime or agricultural liming material, the minimum percentages of calcium oxide and magnesium oxide ~~and/or~~ or calcium carbonate and the calcium carbonate equivalent, or both, as claimed by the manufacturer or producer of the product.

\* \* \*

Sec. 18. 6 V.S.A. § 365 is amended to read:

§ 365. LABELS

\* \* \*

(c)(1) If the Secretary finds that a requirement for expressing calcium and magnesium in elemental form would not impose an economic hardship on distributors and users of agricultural liming materials by reason of conflicting label requirements among states, he or she may require by rule that the minimum percent of calcium oxide and magnesium oxide ~~and/or~~ or calcium carbonate and magnesium carbonate, or both, shall be expressed in the following terms:

Total Calcium (Ca) ..... percent

*Total Magnesium (Mg) ..... percent*

\* \* \*

1 Sec. 19. [Deleted.]

2 Sec. 20. 6 V.S.A. § 911 is amended to read:

3 § 911. DEFINITIONS

4 For the purpose of As used in this chapter:

5 \* \* \*

6 (14) “Labeling” means all labels and other written, printed, or graphic  
7 matter:

8 (A) ~~Upon~~ upon the economic poison or any of its containers or  
9 wrappers;

10 (B) ~~Accompanying~~ accompanying the economic poison at any  
11 time; or

12 (C) ~~To~~ to which reference is made on the label or in literature  
13 accompanying the economic poison, except when accurate, nonmisleading  
14 reference is made to current official publications of the ~~United States~~  
15 ~~Departments~~ U.S. Department of Agriculture or of the Interior, the ~~United~~  
16 ~~States~~ U.S. Public Health service Service, state experiment stations, state  
17 agricultural colleges, or other similar federal institutions or official agencies of  
18 this State or other states authorized by law to conduct research in the field of  
19 economic poisons.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

Sec. 21. 6 V.S.A. § 921 is amended to read:

§ 921. SEIZURE AND CONDEMNATION

Any economic poison that is distributed, sold, or offered for sale within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be liable to be proceeded against in any Superior Court of the State where it may be found and seized for confiscation by process of libel for condemnation:

(1) If if it is adulterated or misbranded;

(2) If if it has not been registered under the provisions of section 918 of this title;

(3) If if it fails to bear on its label the information required by this chapter; or

(4) If if it is a white powder economic poison and is not colored as required under this chapter.

Sec. 22. 6 V.S.A. § 1030 is amended to read:

§ 1030. DEFINITIONS

Whenever used or referred to in this chapter, unless a different meaning clearly appears from the context:

\* \* \*

(13) “Quarantine” means a legal declaration by the Secretary to prevent

1 the spread of highly injurious plant pests ~~which~~ that specifies the plant pest,  
2 plants, parts of plants, plant products ~~or the~~, regulated articles, conditions  
3 governing movement, the area or areas quarantined, and any exemptions.

4 \* \* \*

5 Sec. 23. 6 V.S.A. § 1035 is amended to read:

6 § 1035. PERMITS

7 No person ~~may~~ shall sell, offer for sale, barter, expose, move, transport,  
8 deliver, ship, or offer for shipment into or within this State any plant pest or  
9 biological control agent in any living stage without first obtaining ~~either~~ a  
10 federal permit, where applicable, and a State permit from the Secretary. A  
11 State permit may only be issued after it has been determined by the Secretary  
12 that the plant pests or biological control agents are not injurious, are generally  
13 present already, or are for scientific purposes subject to specified safeguards.

14 Sec. 24. 6 V.S.A. § 1104 is amended to read:

15 § 1104. POWERS OF SECRETARY

16 The Secretary in furtherance of the purposes of this chapter may:

17 \* \* \*

18 (11) Enter into reciprocal agreements with appropriate pesticide control  
19 agencies of other states or the federal government for the acceptance of  
20 licensing and certification of pesticide applicators and operators, provided their  
21 standards and administration are substantially equal to the standards

1 established by the Secretary under the provisions of this chapter and the rules  
2 ~~thereto~~ adopted under this chapter.

3 \* \* \*

4 Sec. 25. 6 V.S.A. § 1677 is amended to read:

5 § 1677. PENALTIES

6 A person who violates any of the provisions of or who fails to perform any  
7 duty imposed by this chapter or who violates any rule ~~or regulation~~ adopted  
8 ~~hereunder~~ under this chapter shall be assessed an administrative penalty under  
9 section 15 of this title. Each day upon which such violation occurs constitutes  
10 a separate offense. In addition thereto, the person may be enjoined from  
11 further violation.

12 Sec. 26. 6 V.S.A. § 2672 is amended to read:

13 § 2672. DEFINITIONS

14 As used in this ~~part~~ chapter, the following terms have the following  
15 meanings:

16 \* \* \*

17 (21) “Drug” or “drugs” mean:

18 (A) articles recognized in the official U.S. Pharmacopeia, official  
19 Homeopathic Pharmacopeia of the ~~U.S.~~ United States, or official National  
20 Formulary, or ~~supplement thereto~~ its supplement;

21 \* \* \*



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

Sec. 28. 6 V.S.A. § 2705 is amended to read:

§ 2705. REVOCATION OF LICENSES

(b) If the Secretary is unable to secure compliance with the provisions of this part and the ~~regulations promulgated~~ rules adopted thereunder, he or she shall report the matter to the Attorney General, together with all relevant information. Except as provided in section 2881 of this title, the Attorney General shall take such action as the public interest requires, including injunctions or prosecution in any court of competent jurisdiction.

Sec. 29. 6 V.S.A. § 2742 is amended to read:

§ 2742. DAIRY FARMS

Before a dairy farm may sell or offer for sale, milk to a handler, and at least once a year thereafter, the Secretary shall inspect or cause to be inspected all dairy farms as to their premises, equipment, dairy animals, procedures, and sanitation conditions. He or she may enter into reciprocal agreements with or accept the inspection reports of appropriate dairy sanitation agencies of other states, municipalities, or the federal government in lieu of inspection by the Secretary, provided their standards and administration are substantially equal to the standards established by the Secretary under the provisions of this part. All milk producers shall comply with all state-federal-cooperative livestock

1 disease control ~~and/or~~ or eradication programs.

2 Sec. 30. 6 V.S.A. § 2927 is amended to read:

3 § 2927. INTERSTATE CONFERENCES AND COMPACTS

4 The ~~commission~~ Commission shall have power to confer and agree with  
5 legally constituted similar boards or authorities of other states, or agencies of  
6 the federal government, and to adopt necessary regulations to effect a  
7 uniformity in regulation and assure an adequate and proper supply of fluid  
8 dairy products in Vermont; also to confer with similar boards or other  
9 authorities of other states or of the United States with respect to uniform milk  
10 control of milk produced in this State and handled in interstate commerce and  
11 may exercise all the powers hereunder for such purpose as well as, but not  
12 limited by, the following powers:

13 \* \* \*

14 (4) To provide for classification of milk in accordance with the form in  
15 which it is used or moved with uniform minimum prices or methods of fixing  
16 such prices for each class; for payment to all producers and associations of  
17 producers delivering milk to handlers of uniform prices irrespective of the use  
18 made by the handler to whom delivered, subject to adjustments for grade,  
19 location, and butterfat content; for adjustment by the handlers with the joint  
20 agent in order to ensure uniformity in and equalization of prices as between  
21 producers and handlers; compensation for services to producers; and to make

1 such joint regulations by compact or otherwise as may be incidental to the  
2 foregoing and not inconsistent thereto and as may be necessary to effectuate  
3 the above-mentioned powers enumerated in this section.

4 Sec. 31. 6 V.S.A. § 3021 is amended to read:

5 § 3021. DEFINITIONS

6 As used in this chapter:

7 \* \* \*

8 (15) "Person" shall include all corporations, partnerships, associations,  
9 societies, individuals or group of individuals or any employee, servant, or  
10 agent acting for or employed by any person as ~~above~~ defined in this  
11 subdivision.

12 Sec. 32. 6 V.S.A. § 3305 is amended to read:

13 § 3305. ADDITIONAL POWERS OF THE SECRETARY

14 In order to accomplish the objectives stated in section 3303 of this title, the  
15 Secretary may:

16 \* \* \*

17 (8) Adopt rules as necessary for the efficient execution of the provisions  
18 of this chapter, including rules of practice providing opportunity for hearing in  
19 connection with issuance of orders under subdivision 3304(5) or subdivision  
20 (1), (2), or (3) of this section and establishing a procedure for proceedings in  
21 these cases. This shall not preclude a requirement that a label or container be  
22 withheld from use, or a refusal of inspection under subdivision 3304(5) or

1 subdivision (1) or (3) of this section pending issuance of a final order in any  
2 proceeding. The federal meat inspection regulations and federal poultry  
3 inspection regulations of the U.S. Department of Agriculture, Title 9, Code of  
4 Federal Regulations, Chapter 3, 9 CFR §§ 300.1 et seq., together with any  
5 amendments, supplements, ~~and~~ or revisions thereto, are adopted as part of this  
6 chapter.

7 \* \* \*

8 Sec. 33. 6 V.S.A. § 3318 is amended to read:

9 § 3318. INVESTIGATION; RECORD KEEPING

10 (a) The Secretary shall also have power:

11 \* \* \*

12 (2) ~~to~~ To require, by general or special orders, persons engaged in  
13 intrastate commerce to file with the Secretary, in the form that the Secretary  
14 may prescribe, annual ~~and/or~~ or special reports or answers in writing to  
15 specific questions. The person filing the reports or answers shall furnish the  
16 Secretary with any information he or she may require as to the organization,  
17 business, conduct, practices, management, and relation to other persons. The  
18 reports and answers shall be made under oath, or otherwise, as the Secretary  
19 may prescribe, and shall be filed with the Secretary within a reasonable period  
20 as the Secretary may prescribe, unless additional time is granted by the  
21 Secretary.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

Sec. 34. 6 V.S.A. § 4032 is amended to read:

§ 4032. COOPERATION WITH OTHER GOVERNMENT AGENCIES

The Secretary may enter into agreements or programs with other government agencies to allow movement of nursery stock or to implement federal ~~and/or~~ or state quarantines as the Secretary deems necessary or are required under federal or state law.

Sec. 35. 6 V.S.A. § 4810 is amended to read:

§ 4810. AUTHORITY; COOPERATION; COORDINATION

\* \* \*

(d) Cooperation and coordination. The Secretary of Agriculture, Food and Markets shall coordinate with the Secretary of Natural Resources in implementing and enforcing programs, plans, and practices developed for reducing and eliminating agricultural non-point source pollutants and discharges from concentrated animal feeding operations. On or before July 1, 2016, the Secretary of Agriculture, Food and Markets and the Secretary of Natural Resources shall revise the memorandum of understanding for the non-point program describing program administration, grant negotiation, grant sharing, and how they will coordinate watershed planning activities to comply with ~~Public Law~~ Pub. L. No. 92-500. The memorandum of understanding shall describe how the agencies will implement the antidegradation

1 implementation policy, including how the agencies will apply the  
2 antidegradation implementation policy to new sources of agricultural non-  
3 point source pollutants. The Secretary of Agriculture, Food and Markets and  
4 the Secretary of Natural Resources shall also develop a memorandum of  
5 understanding according to the public notice and comment process of  
6 10 V.S.A. § 1259(i) regarding the implementation of the federal ~~concentrated~~  
7 ~~animal feeding operation program~~ Concentrated Animal Feeding Operation  
8 Program and the relationship between the requirements of the federal ~~program~~  
9 Program and the State agricultural water quality requirements for large,  
10 medium, and small farms under this chapter. The memorandum of  
11 understanding shall describe ~~program~~ Program administration, permit  
12 issuance, an appellate process, and enforcement authority and implementation.  
13 The memorandum of understanding shall be consistent with the federal  
14 National Pollutant Discharge Elimination System permit regulations for  
15 discharges from concentrated animal feeding operations. The allocation of  
16 duties under this chapter between the Secretary of Agriculture, Food and  
17 Markets and the Secretary of Natural Resources shall be consistent with the  
18 Secretary's duties, established under the provisions of 10 V.S.A. § 1258(b), to  
19 comply with ~~Public Law~~ Pub. L. No. 92-500. The Secretary of Natural  
20 Resources shall be the State lead person in applying for federal funds under  
21 ~~Public Law~~ Pub. L. No. 92-500, but shall consult with the Secretary of

1 Agriculture, Food and Markets during the process. The agricultural non-point  
2 source program may compete with other programs for competitive watershed  
3 projects funded from federal funds. The Secretary of Agriculture, Food and  
4 Markets shall be represented in reviewing these projects for funding. Actions  
5 by the Secretary of Agriculture, Food and Markets under this chapter  
6 concerning agricultural non-point source pollution shall be consistent with the  
7 water quality standards and water pollution control requirements of 10 V.S.A.  
8 chapter 47 and the federal Clean Water Act as amended. In addition, the  
9 Secretary of Agriculture, Food and Markets shall coordinate with the Secretary  
10 of Natural Resources in implementing and enforcing programs, plans, and  
11 practices developed for the proper management of composting facilities when  
12 those facilities are located on a farm. On or before January 15, 2016, the  
13 Secretary of Agriculture, Food and Markets and the Secretary of Natural  
14 Resources shall each develop three separate measures of the performance of  
15 the agencies under the memorandum of understanding required by this  
16 subsection. Beginning on January 15, 2017, and annually thereafter, the  
17 Secretary of Agriculture, Food and Markets and the Secretary of Natural  
18 Resources shall submit separate reports to the Senate Committee on  
19 Agriculture, the House Committee on Agriculture and Forestry, the Senate  
20 Committee on Natural Resources and Energy, and the House Committee on  
21 ~~Fish, Wildlife and Water Resources~~ Natural Resources, Fish, and Wildlife

1 regarding the success of each agency in meeting the performance measures for  
2 the memorandum of understanding.

3 Sec. 36. 6 V.S.A. § 4810a is amended to read:

4 § 4810a. REQUIRED AGRICULTURAL PRACTICES; REVISION

5 (a) On or before September 15, 2016, the Secretary of Agriculture, Food  
6 and Markets shall file under 3 V.S.A. § 841 a final proposal of a rule amending  
7 the required agricultural practices in order to improve water quality in the  
8 State, assure practices on all farms eliminate adverse impacts to water quality,  
9 and implement the small farm certification program required by section 4871  
10 of this title. At a minimum, the amendments to the required agricultural  
11 practices shall:

12 \* \* \*

13 (2)(A) Except as authorized under subdivision (C) of this subdivision  
14 (2) prohibit a farm from stacking or piling manure, storing fertilizer, or storing  
15 other nutrients on the farm:

16 \* \* \*

17 (C) The Secretary may authorize one or more of the following:

18 (i) siting of manure stacking or piling sites, fertilizer storage, or  
19 other nutrient storage within 200 feet, but not less than 100 feet, of a private  
20 well or surface water if the Secretary determines that the site is the best  
21 available site on the farm for the purposes of protecting groundwater quality or

1 surface water quality; and

2 (ii) siting of a waste storage facility within 200 feet of a surface  
3 water or private well if the site is the best available site on the farm for the  
4 purposes of protecting groundwater quality or surface water quality and the  
5 waste storage facility is designed by a licensed engineer to meet the  
6 requirements of section 4815 of this title.

7 \* \* \*

8 Sec. 37. 6 V.S.A. § 4858 is amended to read:

9 § 4858. MEDIUM FARM OPERATION PERMITS

10 \* \* \*

11 (e) Operating fee. A person required to obtain a permit or coverage under  
12 this section shall submit an annual operating fee of \$1,500.00 to the Secretary.  
13 The fees collected under this section shall be deposited in the Agricultural  
14 Water Quality Special Fund under section 4803 of this title.

15 Sec. 38. 7 V.S.A. § 213 is amended to read:

16 § 213. LICENSEE EDUCATION

17 \* \* \*

18 (c)(1) Each licensee, permittee, or common carrier certificate holder shall  
19 ensure that every employee who is involved in the delivery, sale, or serving of  
20 alcoholic beverages completes a training program approved by the Department  
21 of Liquor Control before the employee begins delivering, serving, or selling

1 alcoholic beverages and at least once every 24 months thereafter. Each  
2 licensee shall maintain written documentation, signed by each employee  
3 trained, of each training program conducted.

4 \* \* \*

5 Sec. 39. 7 V.S.A. § 223 is amended to read:

6 § 223. THIRD-CLASS LICENSES

7 (a)(1) The Liquor Control Board may grant to a person who operates a  
8 hotel, restaurant, club, boat, or railroad dining car, or who holds a  
9 manufacturer's or rectifier's license, a third-class license if the person files an  
10 application accompanied by the fee provided in section 204 of this title for the  
11 premises in which the business of the hotel, restaurant, ~~or club~~, or  
12 manufacturer or rectifier is carried on or for the boat or railroad dining car.

13 \* \* \*

14 Sec. 40. 7 V.S.A. § 256 is amended to read:

15 § 256. PROMOTIONAL TASTINGS FOR LICENSEES

16 \* \* \*

17 (c)(1) Upon receipt of a first- or second-class application by the  
18 Department, a holder of a wholesale dealer's license may dispense malt or  
19 vinous beverages for promotional purposes without charge to invited  
20 management and staff of the business that has applied for a first- or second-  
21 class license, provided they are of legal age.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

(5) No permit is required under this ~~subdivision~~ subsection, but the wholesale dealer shall provide written notice of the event to the Department at least five days prior to the date of the tasting.

Sec. 41. 7 V.S.A. § 582 is redesignated to read:

§ 582. SALE OF LIQUOR ALCOHOLIC BEVERAGES TAKEN BY  
ATTACHMENT OR ON EXECUTION

Sec. 42. 7 V.S.A. § 1001 is amended to read:

§ 1001. DEFINITIONS

As used in this chapter:

\* \* \*

(8) “Tobacco substitute” means products, including electronic cigarettes or other electronic or battery-powered devices, that contain and are designed to deliver nicotine or other substances into the body through ~~inhaling the~~ inhalation of vapor and that have not been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes. Products that have been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes shall not be considered to be tobacco substitutes.

Sec. 43. 8 V.S.A. § 4088d is amended to read:

§ 4088d. COVERAGE FOR COVERED SERVICES PROVIDED BY

1                   NATUROPATHIC PHYSICIANS

2           (a) A health insurance plan shall provide coverage for medically necessary  
3 health care services covered by the plan when provided by a naturopathic  
4 physician licensed in this State for treatment within the scope of practice  
5 described in 26 V.S.A. chapter 81 and shall recognize naturopathic physicians  
6 who practice primary care to be primary care physicians. Health care services  
7 provided by naturopathic physicians may be subject to reasonable deductibles,  
8 co-payment and coinsurance amounts, and fee or benefit limits consistent with  
9 those applicable to other primary care physicians under the plan, as well as  
10 practice parameters, cost-effectiveness and clinical efficacy standards, and  
11 utilization review consistent with any applicable rules published by the  
12 Department of Financial Regulation. Any amounts, limits, standards, and  
13 review shall not function to direct treatment in a manner unfairly  
14 discriminative against naturopathic care, and collectively shall be ~~no~~ not more  
15 restrictive than those applicable under the same policy to care or services  
16 provided by other primary care physicians, but may allow for the management  
17 of the benefit consistent with variations in practice patterns and treatment  
18 modalities among different types of health care providers. A health insurance  
19 plan may require that the naturopathic physician's services be provided by a  
20 licensed naturopathic physician under contract with the insurer or shall be  
21 covered in a manner consistent with out-of-network provider reimbursement

1 practices for primary care physicians; however, this shall not relieve a health  
2 insurance plan from compliance with the applicable network adequacy  
3 requirements adopted by the Commissioner by rule. Nothing contained ~~herein~~  
4 in this section shall be construed as impeding or preventing either the  
5 provision or the coverage of health care services by licensed naturopathic  
6 physicians, within the lawful scope of naturopathic practice, in hospital  
7 facilities on a staff or employee basis.

8 \* \* \*

9 Sec. 44. 10 V.S.A. § 323 is amended to read:

10 § 323. ANNUAL REPORT

11 Prior to January 31 of each year, the Board shall submit a report concerning  
12 its activities to the Governor and to the House Committees on Agriculture and  
13 Forestry, on Appropriations, on Corrections and Institutions, on Energy and  
14 Technology, on Natural Resources, Fish, and Wildlife, and on Ways and Means  
15 and the Senate Committees on Agriculture, on Appropriations, on Finance, on  
16 Institutions, and on Natural Resources and Energy. The report shall include  
17 the following:

18 \* \* \*

19 Sec. 44a. 10 V.S.A. § 754 is amended to read:

20 § 754. FLOOD HAZARD AREA RULES; USES EXEMPT FROM  
21 MUNICIPAL REGULATION

22 \* \* \*

23 (g) Delegation.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

\* \* \*

(3) Prior to entering a memorandum of understanding, the Secretary shall post the proposed memorandum of understanding on its website for 30 days for notice and comment. When the memorandum of understanding is posted, it shall include a summary of the proposed memorandum; the name, telephone number, and address of a person able to answer questions and receive comments on the proposal; and the deadline for receiving comments.

A final copy of a memorandum of understanding entered into under this section shall be sent to the chairs of the House ~~and Senate Committees on Natural Resources and Energy, the House Committee on Fish, Wildlife and Water Resources,~~ Committees on Energy and Technology and on Natural Resources, Fish, and Wildlife, the Senate Committee on Natural Resources and Energy, and any other committee that has jurisdiction over an agency that is a party to the memorandum of understanding.

\* \* \*

Sec. 44b. 10 V.S.A. § 1196 is amended to read:

§ 1196. REPORT

Beginning in 1989 and annually thereafter, the advisory commission shall file a report on its activities under this subchapter. The report shall be filed with the Agency of Natural Resources, the Governor, and the ~~Committees on Natural Resources and Energy of the House and Senate~~ General Assembly on or before July 15.

1 Sec. 44c. 10 V.S.A. § 1253 is amended to read:

2 § 1253. CLASSIFICATION OF WATERS DESIGNATED,  
3 RECLASSIFICATION

4 \* \* \*

5 (d)(1) Through the process of basin planning, the Secretary shall determine  
6 what degree of water quality and classification should be obtained and  
7 maintained for those waters not classified by the Board before 1981 following  
8 the procedures in sections 1254 and 1258 of this title. Those waters shall be  
9 classified in the public interest. The Secretary shall prepare and maintain an  
10 overall surface water management plan to assure that the State water quality  
11 standards are met in all State waters. The surface water management plan  
12 shall include a schedule for updating the basin plans. The Secretary, in  
13 consultation with regional planning commissions and the Natural Resources  
14 Conservation Council, shall revise all 15 basin plans and update the basin  
15 plans on a five-year rotating basis. On or before January 15 of each year, the  
16 Secretary shall report to the House Committees on Agriculture and Forestry,  
17 and on Natural Resources and Energy, and on Fish, Wildlife and Water  
18 Resources, Fish, and Wildlife and to the Senate Committees on Agriculture  
19 and on Natural Resources and Energy regarding the progress made and  
20 difficulties encountered in revising basin plans. The report shall include a  
21 summary of basin planning activities in the previous calendar year, a schedule  
22 for the production of basin plans in the subsequent calendar year, and a

1 summary of actions to be taken over the subsequent three years. The  
2 provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply  
3 to the report to be made under this subsection.

4 \* \* \*

5 Sec. 44d. 10 V.S.A. § 2609a is amended to read:

6 § 2609a. INCOME FROM LEASE OF MOUNTAINTOP  
7 COMMUNICATION SITES

8 Annually on or before February 15, the Agency of Natural Resources shall  
9 submit a report to the Senate ~~and House Committees~~ Committee on Natural  
10 Resources and Energy and the House Committees on Energy and Technology  
11 and on Natural Resources, Fish, and Wildlife containing an itemization of the  
12 income generated through the end of the previous fiscal year from the use of  
13 sites for communication purposes.

14 Sec. 44e. 10 V.S.A. § 2721 is amended to read:

15 § 2721. VERMONT FORESTRY AND FOREST PRODUCTS VIABILITY  
16 PROGRAM

17 \* \* \*

18 (c) The Commissioner of Forests, Parks and Recreation shall report in  
19 writing to the Senate ~~Committee~~ Committees on Agriculture and on Natural  
20 Resources and Energy and the House ~~Committee~~ Committees on Agriculture  
21 and Forestry ~~and the Senate and House Committees,~~ on Energy and  
22 Technology, and on Natural Resources and Energy, Fish, and Wildlife on or  
23 before January 31 of each year on the activities and performance of the

1 Forestry and Forest Products Viability Program. The provisions of 2 V.S.A.  
2 § 20(d) (expiration of required reports) shall not apply to the report to be made  
3 under this subsection. At a minimum, the report shall include:

4 \* \* \*

5 Sec. 44f. 10 V.S.A. § 4083 is amended to read:

6 § 4083. FISH

7 Any ~~regulation~~ rule or amendment ~~thereto~~ to a rule adopted pursuant to this  
8 subchapter that relates to fish may apply to all or any portion of the State and  
9 may address any or all of the following as to any species or varieties of fish:

10 \* \* \*

11 Sec. 45. 10 V.S.A. § 6084 is amended to read:

12 § 6084. NOTICE OF APPLICATION; HEARINGS, COMMENCEMENT OF  
13 REVIEW

14 (a) On or before the date of filing of an application with the District  
15 Commission, the applicant shall send notice and a copy of the initial  
16 application to the owner of the land if the applicant is not the owner; the  
17 municipality in which the land is located; the municipal and regional planning  
18 commissions for the municipality in which the land is located; the Vermont  
19 Agency of Natural Resources; and any adjacent Vermont municipality and  
20 municipal and regional planning commission if the land is located on a  
21 municipal or regional boundary. The applicant shall furnish to the District

1 Commission the names of those furnished notice by affidavit, and shall post a  
2 copy of the notice in the town clerk's office of the town or towns ~~wherein~~ in  
3 which the project lies. The applicant shall also provide a list of adjoining  
4 landowners to the District Commission. Upon request and for good cause, the  
5 District Commission may authorize the applicant to provide a partial list of  
6 adjoining landowners in accordance with Board rules.

7 \* \* \*

8 Sec. 46. 10 V.S.A. § 6602 is amended to read:

9 § 6602. DEFINITIONS

10 As used in this chapter:

11 \* \* \*

12 (4) "Hazardous waste" means any waste or combination of wastes of a  
13 solid, liquid, contained gaseous, or semi-solid form, including those which are  
14 toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate  
15 pressure through decomposition, heat, or other means, which in the judgment  
16 of the Secretary may cause, or contribute to, an increase in mortality or an  
17 increase in serious irreversible or incapacitating reversible illness, taking into  
18 account the toxicity of such waste, its persistence and degradability in nature,  
19 and its potential for assimilation, or concentration in tissue, and other factors  
20 that may otherwise cause or contribute to adverse acute or chronic effects on  
21 the health of persons or other living organisms, or any matter which may have

1 an unusually destructive effect on water quality if discharged to ground or  
2 surface waters of the State. All special nuclear, source, or by-product material,  
3 as defined by the Atomic Energy Act of 1954 ~~and amendments thereto~~, as  
4 subsequently amended and codified in 42 U.S.C. § 2014, is specifically  
5 excluded from this definition.

6 \* \* \*

7 Sec. 47. 10 V.S.A. § 6604 is amended to read:

8 § 6604. SOLID WASTE MANAGEMENT PLAN

9 \* \* \*

10 (b) The Secretary shall hold public hearings, conduct analyses, and make  
11 recommendations to the House Committee on Natural Resources, Fish, and  
12 Wildlife and the Senate Committees Committee on Natural Resources and  
13 Energy regarding the volume, amount, and toxicity of the waste stream. In  
14 this process, the Secretary shall consult with manufacturers of commercial  
15 products and of packaging used with commercial products, retail sales  
16 enterprises, health and environmental advocates, waste management  
17 specialists, the general public, and State agencies. The goal of the process is to  
18 ensure that packaging used and products sold in the State are not an undue  
19 burden to the State's ability to manage its waste. The Secretary shall seek  
20 voluntary changes on the part of the industrial and commercial sector in both  
21 their practices and the products they sell, so as to serve the purposes of this  
22 section. In this process, the Secretary may obtain voluntary compliance

1 schedules from the appropriate industry or commercial enterprise, and shall  
2 entertain recommendations for alternative approaches. The Secretary shall  
3 report at the beginning of each biennium to the House Committee on Natural  
4 Resources, Fish, and Wildlife and the Senate Committees Committee on  
5 Natural Resources and Energy, with any recommendations or options for  
6 legislative consideration. At least 45 days prior to submitting ~~its~~ the report,  
7 the Secretary shall post any recommendations within the report to ~~its~~ the  
8 Agency's website for notice and comment.

9 \* \* \*

10 Sec. 47a. 10 V.S.A. § 6608a is amended to read:

11 § 6608a. ECONOMIC POISONS

12 (a) The Secretary of Agriculture, Food and Markets shall be responsible for  
13 and have the authority to implement and enforce those statutes enacted by the  
14 General Assembly, including sections 6610a and 6612 of this title, and, those  
15 rules concerning the generation, transportation, treatment, storage, and  
16 disposal of economic poisons ~~which~~ that are adopted by the Secretary of  
17 Natural Resources in order to operate a hazardous waste management program  
18 that is equivalent to the federal program under Subtitle C of the Resource  
19 Conservation and Recovery Act of 1976 ~~and amendments thereto, as~~  
20 subsequently amended and codified as in 42 U.S.C. chapter 82, subchapter 3.  
21 Procedures and funding for the interdepartmental implementation of a waste

1 economic poison management program shall be established between the  
2 Secretary of Natural Resources and the Secretary of Agriculture, Food and  
3 Markets.

4 \* \* \*

5 Sec. 48. 10 V.S.A. § 6608b is amended to read:

6 § 6608b. RADIOACTIVE WASTES MIXED WITH HAZARDOUS  
7 WASTES

8 (a) The Commissioner of Health shall be responsible for and have the  
9 authority to implement and enforce those statutes enacted by the General  
10 Assembly, including sections 6610a and 6612 of this title, and, those rules  
11 concerning the generation, transportation, treatment, storage, and disposal of  
12 radioactive wastes mixed with hazardous wastes which are adopted by the  
13 Secretary in order to operate a hazardous waste management program that is  
14 equivalent to the federal program under Subtitle C of the Resource  
15 Conservation and Recovery Act of 1976 ~~and amendments thereto, as~~  
16 subsequently amended and codified as in 42 U.S.C. chapter 82, subchapter 3.  
17 Procedures and funding for the interdepartmental implementation of a mixed  
18 radioactive waste management program shall be established between the  
19 Secretary and the Commissioner of Health.

20 \* \* \*

21 Sec. 49. 10 V.S.A. § 6610a is amended to read:

1 § 6610a. ENFORCEMENT

2 (a) Notwithstanding any other provision of this chapter, the Secretary, upon  
3 receipt of information that the storage, transportation, treatment, or disposal of  
4 any solid waste or hazardous waste ~~as defined herein~~ may present a hazard to  
5 the health of persons or to the environment, or may be in violation of any  
6 provision of this chapter, the rules adopted thereunder, or the terms or  
7 conditions of any order or certification issued under this chapter, may take  
8 such action as the Secretary determines to be necessary. The action the  
9 Secretary may take includes:

10 \* \* \*

11 (c) This subsection shall apply only to facilities subject to exemption from  
12 the provisions of chapter 151 of this title, as provided by the provisions of  
13 subsection 6081(h) of this title. With respect to facilities subject to this  
14 subsection, notwithstanding any other provision of this chapter, the Secretary  
15 may take such action as the Secretary determines to be necessary, upon receipt  
16 of information that the storage, transportation, treatment, or disposal of any  
17 solid waste or hazardous waste ~~as defined herein~~ may present a hazard to the  
18 health of persons or to the environment, or may be in violation of any  
19 provision of this chapter, the rules adopted thereunder, or the terms or  
20 conditions of any order or certification issued under this chapter, or upon  
21 receipt of information that a solid waste disposal facility has failed to perform

1 closure and post-closure operations as deemed necessary by the Secretary to  
2 preserve and protect the air, groundwater, surface water, public health, and the  
3 environment. The action the Secretary may take includes:

4 \* \* \*

5 Sec. 49a. 10 V.S.A. § 6620a is amended to read:

6 § 6620a. LIMITATIONS ON THE USE OF HEAVY METALS IN  
7 PACKAGING

8 \* \* \*

9 (h) The Secretary shall review the effectiveness of this section by the  
10 second January first that follows the determination made under subsection (a)  
11 of this section and shall provide a report based upon that review to the  
12 Governor, the House Committee on Natural Resources, Fish, and Wildlife, and  
13 the Committees Senate Committee on Natural Resources and Energy of the  
14 General Assembly. The report may contain recommendations to add other  
15 toxic substances contained in packaging to the list set forth in this section in  
16 order to further reduce the toxicity of packaging waste, and a description of the  
17 nature of the substitutes used in lieu of lead, mercury, cadmium, and  
18 hexavalent chromium. The Secretary shall, in consultation with the source  
19 reduction task force of the Coalition of Northeastern Governors (CONEG),  
20 review the extension of the recycling exemption as it is provided for in  
21 subdivision (f)(3) of this section. This review shall commence ~~no later than~~ on  
22 or before January 1, 1997. A report based upon that review shall be provided

1 to the Governor and Legislature by General Assembly on or before January 1,  
2 1999.

3 Sec. 49b. 10 V.S.A. § 6630 is amended to read:

4 § 6630. TOXICS USE REDUCTION AND HAZARDOUS WASTE  
5 REDUCTION PERFORMANCE REPORT

6 (a) On or before March 31, 1994, or March 31 of the year following the  
7 first plan, whichever is later, and annually thereafter, each generator or large  
8 user shall prepare and submit a hazardous materials management performance  
9 report to the House Committee on Natural Resources, Fish, and Wildlife and  
10 the Senate ~~Committees~~ Committee on Natural Resources and Energy  
11 documenting toxics use reduction and hazardous waste reduction methods  
12 implemented by the generator or large user.

13 \* \* \*

14 Sec. 49c. 10 V.S.A. § 7559 is amended to read:

15 § 7559. AGENCY OF NATURAL RESOURCES RESPONSIBILITIES  
16 The Agency of Natural Resources shall:

17 \* \* \*

18 (4) Annually review data submitted under this chapter to determine  
19 whether any of the variables in the statewide recycling goal should be  
20 changed. The Agency shall submit recommended changes to the Senate ~~and~~  
21 ~~House Committees~~ Committee on Natural Resources and Energy and the  
22 House Committee on Natural Resources, Fish, and Wildlife.

23 \* \* \*

1 Sec. 49d. 10 V.S.A. § 8017 is amended to read:

2 § 8017. ANNUAL REPORT

3 The Secretary and the Attorney General shall report annually to the  
4 President Pro Tempore of the Senate, the Speaker of the House, the House  
5 Committee on Natural Resources, Fish, and Wildlife ~~and Water Resources~~, and  
6 the Senate ~~and House Committees~~ Committee on Natural Resources and  
7 Energy. The report shall be filed ~~no later than~~ on or before January 15, on the  
8 enforcement actions taken under this chapter, and on the status of citizen  
9 complaints about environmental problems in the State. The report shall  
10 describe, at a minimum, the number of violations, the actions taken,  
11 disposition of cases, the amount of penalties collected, and the cost of  
12 administering the enforcement program. The provisions of 2 V.S.A. § 20(d)  
13 (expiration of required reports) shall not apply to the report to be made under  
14 this section.

15 Sec. 50. 13 V.S.A. § 3255 is amended to read:

16 § 3255. EVIDENCE

17 (a) In a prosecution for a crime defined in this chapter and in sections 2601  
18 and 2602 of this title, for human trafficking or aggravated human trafficking  
19 under chapter 60 of this title, or for abuse of a vulnerable adult under chapter  
20 28 of this title or 33 V.S.A. chapter 69:

21 \* \* \*

22 (2) Evidence shall be required as it is for all other criminal offenses, and

1 additional corroborative evidence ~~heretofore~~ set forth by case law regarding  
2 sexual assault shall no longer be required.

3 \* \* \*

4 Sec. 51. 18 V.S.A. § 106 is amended to read:

5 § 106. DELEGATION OF DUTIES BY BOARD THROUGH  
6 COMMISSIONER

7 Any delegation of responsibility and authority by the Board shall be made  
8 through the Commissioner and shall in no ~~wise~~ way relieve the Board of its  
9 accountability for the proper administration of the provisions of this title.

10 Sec. 52. 18 V.S.A. § 501 is amended to read:

11 § 501. STATE HEALTH LABORATORY; OTHER LABORATORIES;  
12 TESTS

13 The Board shall have supervision and management of the Vermont State  
14 health laboratory. The Board may provide for approval and registration of  
15 laboratories performing examinations or tests of a public health nature. Any  
16 laboratory ~~which~~ that examines material for any living agent or evidence of  
17 living agent of a reportable disease to any person shall send the results of such  
18 tests, if positive, forthwith to the State health laboratory ~~of hygiene~~. The  
19 laboratory shall make chemical and bacteriological examination of water  
20 supplies, milk, and food products and examinations for the detection and  
21 control of communicable diseases; and shall carry on such work in relation to

1 the health of the residents of the State as the Board shall direct.

2 Sec. 53. 18 V.S.A. § 501a is amended to read:

3 § 501a. SPECIMENS SUBMITTED BY CHIROPRACTIC PHYSICIANS

4 (a) According to the public health laws of this State, the State health  
5 laboratory of ~~hygiene~~ is required to serve the ~~interest~~ interests of all of the  
6 people of the State, and as chiropractic physicians are subject to the laws  
7 relating to contagious and infectious diseases, the purpose of this section is to  
8 authorize the facilities of the State health laboratory of ~~hygiene~~ to chiropractic  
9 physicians and their patients.

10 \* \* \*

11 Sec. 54. 18 V.S.A. § 613 is amended to read:

12 § 613. POWERS OF LOCAL BOARD

13 (a) A local board of health may make and enforce rules ~~and regulations~~ in  
14 such town or city relating to the prevention, removal, or destruction of public  
15 health hazards and the mitigation of public health risks, provided that such  
16 rules ~~and regulations~~ have been approved by the Commissioner. Such rules  
17 ~~and regulations~~ shall be posted and published in the same manner that  
18 ordinances of the municipality are required to be posted and published.

19 \* \* \*

20 Sec. 55. 18 V.S.A. § 709 is amended to read:

21 § 709. ANNUAL REPORT

1 (a) The Director of the Blueprint shall report annually, ~~no later than~~ on or  
2 before January 31, on the status of implementation of the Vermont Blueprint  
3 for Health for the prior calendar year and shall provide the report to the House  
4 Committee on Health Care, the Senate Committee on Health and Welfare, and  
5 the Health Care Reform Oversight Committee.

6 \* \* \*

7 Sec. 56. 18 V.S.A. § 904 is amended to read:

8 § 904. ADMINISTRATIVE PROVISIONS

9 \* \* \*

10 (b) The Secretary of Human Services, upon the recommendation of the  
11 Commissioner of Health, may issue ~~regulations~~ rules to carry out the purposes  
12 and responsibilities of this chapter.

13 Sec. 57. 18 V.S.A. § 1008 is amended to read:

14 § 1008. VACCINES, ANTIBIOTICS, ANTISERUMS, AND OTHER  
15 AGENTS; PURCHASE AND DISTRIBUTION; PENALTIES

16 (a) The Department is authorized to procure vaccines, antibiotics,  
17 antiserums, and such other agents as may be necessary for the prevention and  
18 diagnosis of infectious and communicable diseases or diseases of public health  
19 significance in which there is an unmet need and to distribute same free of  
20 charge upon application thereof by licensed physicians, and under such rules  
21 ~~and regulations~~ as the Department and Secretary of Human Services may

1 prescribe; and the expense thereof shall be paid by the State.

2 \* \* \*

3 Sec. 58. 18 V.S.A. § 1010 is amended to read:

4 § 1010. OPHTHALMIA NEONATORUM

5 The Department and the Secretary of Human Services may make such rules  
6 ~~and regulations~~ as they deem necessary for the prevention of blindness caused  
7 by the disease known as ophthalmia neonatorum, and they may furnish, at the  
8 expense of the State, such prophylactic outfits as are necessary for the use of  
9 physicians.

10 Sec. 59. 18 V.S.A. § 1057 is amended to read:

11 § 1057. MEDICAL MANAGEMENT

12 \* \* \*

13 (b) Nothing in sections 1055 to 1061 of this title shall be construed to  
14 compel any person who is being treated by prayer or spiritual means alone in  
15 accordance with the tenets and practice of a well-recognized church or  
16 religious denomination by a duly accredited practitioner to be medically  
17 managed in a place to which he or she objects as long as suitable healing  
18 methods or isolation can be maintained in a place of his or her own choosing,  
19 provided that he or she does not constitute a public health hazard as  
20 determined by the Commissioner, and that all sanitation rules ~~and regulations~~  
21 are complied with.

1 Sec. 60. 18 V.S.A. § 1100 is amended to read:

2 § 1100. ~~RULES AND REGULATIONS~~

3 The Board shall make and enforce such rules ~~and regulations~~ for the  
4 quarantining and treatment of cases of venereal disease reported to it as may  
5 be deemed necessary for the protection of the public.

6 Sec. 61. 18 V.S.A. § 1103 is amended to read:

7 § 1103. ~~BIRTH CERTIFICATE~~ REPORT OF BIRTH; SEROLOGICAL  
8 TEST

9 A person required by section 5071 of this title to file a ~~certificate~~ report of  
10 birth shall state on the ~~certificate~~ report whether a blood test for syphilis has  
11 been made upon a sample of blood taken from the woman who bore the child  
12 named in the ~~certificate~~ report and if so shall state the date on which the test  
13 was made. In case no such blood test has been made, such fact shall be stated  
14 in the ~~certificate~~ report with the reason why such test has not been made. In  
15 no event shall the birth certificate state the result of the serological test for  
16 syphilis made pursuant to the provisions of this section and section 1102 of  
17 this title.

18 Sec. 62. 18 V.S.A. § 1416 is amended to read:

19 § 1416. DEFINITIONS

20 As used in this chapter:

21 \* \* \*





1 ~~reciprocal beneficiaries~~, or immediate family members have the right to stay  
2 with terminally ill patients 24 hours a per day.

3 \* \* \*

4 Sec. 65. 18 V.S.A. § 1902 is amended to read:

5 § 1902. DEFINITIONS

6 The following words and phrases, as used in this chapter, shall have the  
7 following meanings unless otherwise provided:

8 (1) "Hospital" means a place devoted primarily to the maintenance and  
9 operation of diagnostic and therapeutic facilities for in-patient medical or  
10 surgical care of individuals who have an illness, disease, injury, or physical  
11 disability, or for obstetrics.

12 (A) "General hospital" is a hospital of which not more than  
13 50 percent of the total patient days during the year are customarily assignable  
14 to the following categories of cases: chronic, convalescent and rest, drug and  
15 alcoholic, epilepsy, developmental and psychiatric disabilities and mental  
16 conditions, and tuberculosis, and which provides adequate and separate  
17 facilities and equipment for the performance of surgery and obstetrics, or  
18 either, and for diagnostic X-ray and laboratory services.

19 \* \* \*

20 (I) The provisions of this subdivision (1) do not apply to any of the  
21 following institutions:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

(ii) Any hospital conducted, maintained, or operated by the U.S. government or a duly authorized agency thereof. ~~The Commissioner of Health may develop interim licensing criteria specific to the Vermont State Hospital that shall be applicable until the hospital achieves recertification by the federal Centers for Medicare and Medicaid Services or until January 31, 2005, whichever occurs first.~~

\* \* \*

Sec. 66. 18 V.S.A. § 1903 is amended to read:

§ 1903. LICENSE

No person or governmental unit may establish, conduct, or maintain a hospital in this State without first obtaining a license ~~therefor in the manner hereinafter provided~~ in accordance with this chapter.

Sec. 67. 18 V.S.A. § 1905 is amended to read:

§ 1905. LICENSE REQUIREMENTS

Upon receipt of an application for a license and the license fee, the licensing agency shall issue a license when it determines that the applicant and hospital facilities meet the following minimum standards:

\* \* \*

(20) All hospitals shall comply with the ~~regulations~~ rules adopted by the Commissioner pursuant to section ~~1912~~ 1914 of this title. License applications

1 shall certify compliance with the ~~regulations~~ rules.

2 \* \* \*

3 Sec. 68. 18 V.S.A. § 1916 is amended to read:

4 § 1916. INTENTIONAL UNSAFE ACTS

5 \* \* \*

6 (b) For intentional unsafe acts reportable to other departments or agencies,  
7 a hospital shall notify the Department of Health or provide a copy of any  
8 written report. Such reports shall not constitute a waiver of peer review or any  
9 other privilege.

10 \* \* \*

11 Sec. 69. 18 V.S.A. § 1917 is amended to read:

12 § 1917. PROTECTION AND DISCLOSURE OF INFORMATION

13 \* \* \*

14 (f) Notwithstanding subsections (a) and (b) of this section:

15 \* \* \*

16 (2) The Department staff responsible for verifying compliance with the  
17 patient safety surveillance and improvement system may disclose information  
18 to others in the Department, and the Department may disclose information to  
19 the Board of Health and others responsible for carrying out the Department's  
20 enforcement responsibilities with respect to this chapter if the Department  
21 reasonably believes that a hospital deliberately or repeatedly has not complied

1 with the requirements of this chapter and any ~~regulations~~ rules adopted  
2 hereunder. The Commissioner, the Board of Health, and others responsible for  
3 carrying out the Department's enforcement responsibilities with respect to this  
4 chapter are authorized to disclose such information during the course of any  
5 legal or regulatory action taken against a hospital for deliberate or repeated  
6 noncompliance with the requirements of this chapter and any rules adopted  
7 hereunder. Information disclosed under this subdivision shall otherwise  
8 maintain all applicable protections under this section and otherwise provided  
9 by law.

10 \* \* \*

11 Sec. 70. 18 V.S.A. § 4031 is amended to read:

12 § 4031. NOTICE OF VIOLATIONS OF UNITED STATES STATUTES

13 The board or an agent thereof shall notify the proper prosecuting officer of  
14 a violation of a ~~United States statute~~ federal law for preventing the adulteration  
15 or misbranding of food or drugs.

16 Sec. 71. 18 V.S.A. § 4051 is amended to read:

17 § 4051. DEFINITIONS

18 ~~For the purposes of~~ As used in this chapter:

19 \* \* \*

20 (10)(A) The term "poison" means any toxic substance ~~which~~ that falls  
21 within any of the following categories:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

(B) If available data on human experience with any substance in the above named dosages or concentrations described in subdivision (A) of this subdivision (10) indicate results different from those obtained on animals, the human data shall take precedence.

\* \* \*

Sec. 72. 18 V.S.A. § 4052 is amended to read:

§ 4052. MANUFACTURE, SALE, DELIVERY; PROHIBITIONS

The following acts and the causing thereof within the State of Vermont are hereby prohibited:

\* \* \*

(12) ~~No person shall sell, offer for sale, distribute, or transport~~ The sale, offering for sale, distribution, or transportation for sale within this State of any misbranded package of a hazardous substance in a package or container intended for general home and household use ~~any misbranded package of a hazardous substance.~~

Sec. 73. 18 V.S.A. § 4060 is amended to read:

§ 4060. MISBRANDED FOOD

A food shall be deemed to be misbranded:

\* \* \*

(3) If it is an imitation of another food for which a definition and

1 standard of identity have been prescribed by ~~regulations as provided by~~ rules  
2 adopted pursuant to section 4058 of this title; or if it is an imitation of another  
3 food that is not subject to subdivision (7) of this section, unless its label bears  
4 in type of uniform size and prominence the word imitation and, immediately  
5 thereafter, the name of the food imitated.

6 \* \* \*

7 (5) If in package form, unless it bears a label containing:

8 (A) the name and place of business of the manufacturer, packer, or  
9 distributor; and

10 (B) an accurate statement of the quantity of the contents in terms of  
11 weight, measure, or numerical count; provided that under this subdivision  
12 reasonable variations shall be permitted, and exemptions as to small packages  
13 shall be established by ~~regulations~~ rules prescribed by the Board.

14 \* \* \*

15 (7) If it purports to be or is represented as a food for which a definition  
16 and standard of identity ~~have~~ has been prescribed by ~~regulations as provided~~  
17 by rules adopted pursuant to section 4058 of this title, unless:

18 (A) it conforms to that definition and standard; and

19 (B) its label bears the name of the food specified in the definition and  
20 standard and, insofar as may be required by the ~~regulations~~ rules, the common  
21 names of optional ingredients (other than spices, flavoring, and coloring)

1 present in the food.

2 (8) If it purports to be or is represented as:

3 (A) a food for which a standard of quality has been prescribed by  
4 ~~regulations, as provided by~~ rules adopted pursuant to section 4058 of this title,  
5 and its quality falls below the standard unless its label bears, in such manner  
6 and form as the ~~regulations~~ rules specify, a statement that it falls below those  
7 standards; or

8 (B) a food for which a standard or standards of fill of container have  
9 been prescribed by ~~regulation, as provided by~~ rules adopted pursuant to section  
10 4058 of this title, and it falls below the standard of fill of container applicable  
11 thereto, unless its label bears, in such manner and form as the ~~regulations~~ rules  
12 specify, a statement that it falls below the standard.

13 (9) If it is not subject to the provisions of subdivision (7) of this section,  
14 unless it bears labeling clearly giving:

15 (A) the common or usual name of the food, if any there be; and

16 (B) in case it is fabricated from two or more ingredients, the common  
17 or usual name of each such ingredient; except that spices, flavorings, and  
18 colorings, other than those sold as such, may be designated as spices,  
19 flavorings, and colorings, without naming each; provided that, to the extent  
20 that compliance with the requirements of this subdivision is impractical or  
21 results in deception or unfair competition, exemptions shall be established by

1 ~~regulations promulgated~~ rules adopted by the Board. And provided, further,  
2 that the requirements of this subdivision shall not apply to food products  
3 ~~which~~ that are packaged at the direction of purchasers at retail at the time of  
4 sale, the ingredients of which are disclosed to the purchasers by other means in  
5 accordance with ~~regulations promulgated~~ rules adopted by the Board.

6 (10) If it purports to be or is represented for special dietary uses, unless  
7 its label bears such information concerning its vitamin, mineral, and other  
8 dietary properties as the Board determines to be, and by ~~regulations prescribed~~  
9 rules adopted, as necessary in order to ~~fully~~ inform purchasers fully as to its  
10 value for such uses.

11 (11) If it bears or contains any artificial flavoring, artificial coloring, or  
12 chemical preservative, unless it bears labeling stating that fact; provided that to  
13 the extent that compliance with the requirements of this subsection is  
14 impracticable, exemptions shall be established by ~~regulations promulgated~~  
15 rules adopted by the Board.

16 \* \* \*

17 Sec. 74. 18 V.S.A. § 4070 is amended to read:

18 § 4070. INSPECTION; EXAMINATION OF SAMPLES

19 (a) The Board or its duly authorized agent shall have free access at all  
20 reasonable hours to any factory, warehouse, or establishment in which food,  
21 drugs, devices, or cosmetics are manufactured, processed, packed, or held for

1 introduction into commerce, or to enter any vehicle being used to transport or  
2 hold such food, drugs, devices, or cosmetics in commerce, for the purpose:

3 (1) of inspecting the factory, warehouse, establishment, or vehicle to  
4 determine if any of the provisions of this chapter are being violated; and

5 (2) to secure samples or specimens of any food, drug, device, or  
6 cosmetic after paying or offering to pay for the sample.

7 (b) It shall be the duty of the Board to make or cause to be made  
8 examinations of samples secured under the provisions of this section to  
9 determine whether ~~or not~~ any provision of this chapter is being violated.

10 Sec. 75. 18 V.S.A. § 4201 is amended to read:

11 § 4201. DEFINITIONS

12 As used in this chapter, unless the context otherwise requires:

13 \* \* \*

14 (6) “Depressant or stimulant drug” means:

15 (A) any drug ~~which~~ that contains any quantity of barbituric acid or  
16 any of the salts of barbituric acid, or any derivative of barbituric acid, ~~which~~  
17 that is designated as ~~habit forming~~ habit-forming because of its effect on the  
18 central nervous system in the ~~regulations~~ rules adopted by the Board of Health  
19 under section 4202 of this title;

20 (B) any drug, other than methamphetamine, ~~which~~ that contains any  
21 quantity of amphetamine or any of its optical isomers, any salt or amphetamine

1 or any salt of an optical isomer of amphetamine, ~~which~~ that the Board of  
2 Health so designates by such ~~regulation~~ rule as ~~habit-forming~~ habit-forming  
3 because of its effect on the central nervous system;

4 \* \* \*

5 (G) any drug, other than methamphetamine, ~~which~~ that contains any  
6 quantity of a substance ~~which~~ that the Board of Health so designates by such  
7 ~~regulation~~ rule as having a serious potential for abuse arising out of its effect  
8 on the central nervous system.

9 \* \* \*

10 (10) "Hallucinogenic drugs" means stramonium, mescaline or peyote,  
11 lysergic acid diethylamide, and psilocybin, and all synthetic equivalents of  
12 chemicals contained in resinous extractives of Cannabis sativa, or any salts or  
13 derivatives or compounds of any preparations or mixtures thereof, and any  
14 other substance ~~which~~ that is designated as habit-forming or as having a  
15 serious potential for abuse arising out of its effect on the central nervous  
16 system or its hallucinogenic effect in the ~~regulations~~ rules adopted by the  
17 Board of Health under section 4202 of this title.

18 \* \* \*

19 (16) "Narcotic," "narcotics," or "narcotic drugs" means opium, coca  
20 leaves, pethidine (isonipecaine, meperidine), and opiates or their compound,  
21 manufacture, salt, alkaloid, or derivative, and every substance neither

1 chemically nor physically distinguishable from them, and preparations  
2 containing such drugs or their derivatives, by whatever trade name identified  
3 and whether produced directly or indirectly by extraction from substances of  
4 vegetable origin, or independently by means of chemical synthesis or by a  
5 combination of extraction and chemical synthesis, as the same are so  
6 designated in the ~~regulations~~ rules adopted by the Board of Health under  
7 section 4202 of this title.

8 \* \* \*

9 (28) "Registry number" means the number assigned under ~~regulations~~  
10 rules adopted by the Board of Health to each person authorized under this  
11 chapter to use, prescribe, dispense, possess, or administer a regulated drug in  
12 connection with his or her professional practice.

13 \* \* \*

14 Sec. 76. 18 V.S.A. § 4202 is amended to read:

15 § 4202. POWERS AND DUTIES OF THE BOARD OF HEALTH

16 (a) The Board of Health is authorized and empowered to adopt such  
17 ~~regulations which~~ rules that in its judgment may be necessary or proper to  
18 supplement the provisions of this chapter to effectuate the purposes and intent  
19 thereof or to clarify its provisions so as to provide the procedure or details to  
20 secure effective and proper enforcement of its provisions.

21 (b) These ~~rules, regulations, and determination~~ determinations, when

1 adopted, shall, until modified or rescinded, have the force and effect of law.

2 \* \* \*

3 (d) The ~~regulations~~ rules adopted by the Board of Health under section  
4 4201 of this title for the purpose of determining those drugs defined under that  
5 section may be adopted only after prior written notice to the Board of  
6 Pharmacy and the Board of Medical Practice and after the Board of Pharmacy  
7 and the Board of Medical Practice have had an opportunity to advise the Board  
8 of Health with respect to the form and substance of those ~~regulations~~ rules or  
9 amendments and to recommend revisions thereof, except with respect to  
10 emergency rules adopted pursuant to 3 V.S.A. § 844, which may be adopted  
11 without notice by the Commissioner of Health.

12 Sec. 77. 18 V.S.A. § 4204 is amended to read:

13 § 4204. PREPARATIONS EXCEPTED

14 (a) The Board of Health may provide, by ~~regulation~~ rule, for the exception  
15 from all provisions of this chapter (except as provided in section 4223 of this  
16 title) of the administration, dispensation, or sale at retail of a medicinal  
17 preparation containing such amounts of one or more regulated drugs ~~which~~  
18 that the Board considers not subject to abuse.

19 \* \* \*

20 Sec. 78. 18 V.S.A. § 4217 is amended to read:

21 § 4217. REPORTS BY PHYSICIANS AND HOSPITALS





1 manufacturing, distribution, and dispensation of regulated drugs shall be in  
2 accordance with the similar requirements set by the federal government under  
3 the Controlled Substances Act so that compliance with Board of Health and  
4 Board of Pharmacy ~~regulations~~ rules will result in compliance with federal  
5 laws and regulations.

6 Sec. 82. 18 V.S.A. § 4234b is amended to read:

7 § 4234b. EPHEDRINE AND PSEUDOEPHEDRINE

8 \* \* \*

9 (c) Electronic registry system.

10 \* \* \*

11 (4) ~~Except as provided in subdivision (5) of this subsection (c), a~~ A  
12 person or retail establishment that violates this subsection shall:

13 \* \* \*

14 Sec. 83. 18 V.S.A. § 4237 is amended to read:

15 § 4237. SELLING OR DISPENSING TO MINORS; SELLING ON

16 SCHOOL

17 GROUNDS

18 \* \* \*

19 (d) Abutting school property. The selling or dispensing of a regulated drug  
20 to a person on property abutting school property is a violation under this  
21 section only if it occurs within 500 feet of the school property. Property shall

1 be considered abutting school property if:

2 \* \* \*

3 (e) Penalty. A person who violates subsection (c) of this section shall, in  
4 addition to any other penalty, be sentenced to a term of imprisonment of not  
5 more than 10 years.

6 (f) Definitions. As used in this section:

7 \* \* \*

8 Sec. 84. 18 V.S.A. § 4255 is amended to read:

9 § 4255. CONTROLLED SUBSTANCES AND PAIN MANAGEMENT

10 ADVISORY COUNCIL

11 \* \* \*

12 (b)(1) The Controlled Substances and Pain Management Advisory Council

13 shall consist of the following members:

14 \* \* \*

15 (CC) a drug and alcohol abuse counselor licensed pursuant to

16 ~~33 V.S.A. chapter 8~~ 26 V.S.A. chapter 62, to be selected by the Deputy

17 Commissioner of Health for Alcohol and Drug Abuse Programs;

18 \* \* \*

19 Sec. 85. 18 V.S.A. § 4282 is amended to read:

20 § 4282. DEFINITIONS

21 As used in this chapter:



1 of the Secretary of Agriculture, Food and Markets as ~~hereinafter~~ provided in  
2 this subchapter.

3 (b) Milk or chocolate milk dispensed from any such device shall be  
4 homogenized and pasteurized and flavored skimmed milk shall be pasteurized.  
5 The words “chocolate milk,” as used ~~herein~~ in this subsection, shall be  
6 construed to mean milk of a butterfat content of not less than 3.5 percent  
7 butterfat to which chocolate has been added and any flavored milk drink with a  
8 content of less than 3.5 percent butterfat shall be labeled “Flavored Drink”  
9 according to the flavor used.

10 Sec. 87. 18 V.S.A. § 4393 is amended to read:

11 § 4393. ~~REGULATIONS~~ RULEMAKING

12 The Secretary of Agriculture, Food and Markets shall, subject to approval  
13 by the State Board of Health, make and adopt such rules ~~and regulations~~ as the  
14 Secretary deems necessary relating to the construction, operation, and use of  
15 such dispensing devices.

16 Sec. 88. 18 V.S.A. § 4474d is amended to read:

17 § 4474d. ~~LAW ENFORCEMENT VERIFICATION OF INFORMATION;~~  
18 RULEMAKING

19 \* \* \*

20 (d) The Department of Public Safety shall implement the requirements of  
21 ~~this act within 120 days of its effective date~~ subchapter. The Department may

1 adopt rules under 3 V.S.A. chapter 25 and shall develop forms to implement  
2 this ~~act~~ subchapter.

3 \* \* \*

4 Sec. 89. 18 V.S.A. § 4801 is amended to read:

5 § 4801. DECLARATION OF POLICY

6 \* \* \*

7 (b) The General Assembly therefore declares that:

8 (1) alcoholics and alcohol abusers shall no longer be subjected to  
9 criminal prosecution solely because of their consumption of alcoholic  
10 beverages or other behavior related to consumption ~~which~~ that is not directly  
11 injurious to the welfare or property of the public; and

12 (2) alcoholics and alcohol abusers shall be treated as ~~sick~~ persons with  
13 the condition of alcoholism and shall be provided adequate and appropriate  
14 medical and other humane rehabilitative services congruent with their needs.

15 Sec. 90. 18 V.S.A. § 4802 is amended to read:

16 § 4802. DEFINITIONS

17 As used in this chapter:

18 (1) “Alcoholic” means a person ~~suffering from~~ with the condition of  
19 alcoholism.

20 \* \* \*

21 Sec. 91. 18 V.S.A. § 5016 is amended to read:

1 § 5016. BIRTH AND DEATH CERTIFICATES; COPIES; INSPECTION

2 \* \* \*

3 (b) Certified copies.

4 (1) Application. The State Registrar and issuing agents may issue  
5 certified copies of birth and death certificates only upon receipt of a complete  
6 application accompanied by a form of identification prescribed in rules  
7 adopted by the State Registrar. The State Registrar and issuing agents shall  
8 record in a database maintained by the State Registrar any application  
9 received.

10 (2) Eligible persons. Only the following persons shall be eligible for a  
11 certified copy of a birth or death certificate:

12 \* \* \*

13 Sec. 92. 18 V.S.A. § 5132 is amended to read:

14 § 5132. CIVIL MARRIAGE LICENSE; PARTICIPANTS IN ADDRESS

15 CONFIDENTIALITY PROGRAM

16 (a) If a participant in the program described in 15 V.S.A. chapter 21,  
17 subchapter 3 notifies the town that the participant's confidential address should  
18 not appear on the civil marriage license or certificate, then the town clerk shall  
19 not disclose such confidential address or the participant's town of residence on  
20 any public records. A participant who fails to provide such notice shall be  
21 deemed to have waived the provisions of this section. If such notice is

1 received, then notwithstanding section 5131 of this title, the town clerk shall  
2 file the civil marriage certificate with the ~~Supervisor of Vital Records~~ State  
3 Registrar within 10 days of after receipt, without the confidential address or  
4 town of residence, and shall not retain a copy of the civil marriage certificate.

5 (b) The ~~Supervisor of Vital Records~~ State Registrar shall receive and file  
6 for record all certificates filed in accordance with this section, and shall ensure  
7 that a person's confidential address and town of residence do not appear on the  
8 civil marriage certificate during the period that the person is a program  
9 participant. A certificate filed in accordance with this section shall be a public  
10 document. The ~~Supervisor of Vital Records~~ State Registrar shall notify the  
11 Secretary of State of the receipt of a civil marriage certificate on behalf of a  
12 program participant.

13 \* \* \*

14 (d) Upon the renewal, expiration, withdrawal, invalidation, or cancellation  
15 of program participation of any person of whom the Secretary of State  
16 received notice from the ~~Supervisor of Vital Records~~ State Registrar, the  
17 Secretary of State shall notify the ~~Supervisor of Vital Records~~ State Registrar.

18 (e) Upon notice of the expiration, withdrawal, invalidation, or cancellation  
19 of program participation, the ~~Supervisor of Vital Records~~ State Registrar shall  
20 enter the actual mailing address and town of residence on the original marriage  
21 certificate and shall transmit the completed original civil marriage certificate

1 to the town clerk where the certificate was issued.

2 \* \* \*

3 Sec. 93. 18 V.S.A. § 5217 is amended to read:

4 § 5217. REMOVAL OF MARKED HISTORIC REMAINS

5 (a) As used in this section:

6 \* \* \*

7 (4) “Removal” means ~~to transport~~ the transporting of human remains  
8 from one location to another premises.

9 \* \* \*

10 Sec. 94. 18 V.S.A. § 5302 is amended to read:

11 § 5302. DEFINITIONS

12 As used in this chapter and unless otherwise required by the context:

13 (1) “Agencies” ~~mean~~ means town cemeteries, religious or ecclesiastical  
14 society cemeteries, cemetery associations, and any person, firm, corporation,  
15 or unincorporated association ~~heretofore~~ engaged in the business of a  
16 cemetery.

17 \* \* \*

18 (5) “Community mausoleum” means a structure or building of durable  
19 and lasting construction used or intended to be used for the permanent  
20 disposition of the remains of deceased persons in crypts or spaces ~~therein of~~  
21 ~~the remains of deceased persons~~, provided such crypts or spaces ~~and their use~~

1 ~~for the purposes aforesaid,~~ are available to or may be obtained by individuals  
2 or the public for a price in money or its equivalent.

3 \* \* \*

4 Sec. 95. 18 V.S.A. § 5573 is amended to read:

5 § 5573. CONSTRUCTION REQUIREMENTS

6 A community mausoleum or columbarium, the crypts or niches of which  
7 are available to the public, shall be constructed and erected only with the  
8 consent and approval of the State Board of Health. Before commencing the  
9 building, construction, or erection of any such structure, full detailed plans and  
10 specifications shall be presented to the State Board of Health. The approval of  
11 such plans and specifications shall be evidenced by a certificate in writing,  
12 signed by the State Board of Health. A community mausoleum, columbarium,  
13 or any structure intended to hold or contain permanently the bodies of the  
14 dead, and to which the public shall have access, shall not be constructed or  
15 erected without the approvals required by this section. A building not used for  
16 the permanent disposition of the human dead shall not be altered or changed  
17 for such use or used for such purposes, and an addition shall not be made to  
18 any existing community mausoleum or columbarium, unless constructed of  
19 such material and workmanship as will ensure its durability and permanence as  
20 well as the safety, convenience, comfort, and health of the community in  
21 which it is located, as dictated and determined at the time by modern

1 mausoleum construction and engineering science.

2 Sec. 96. 18 V.S.A. § 5578 is amended to read:

3 § 5578. PERPETUAL CARE FUNDS

4       There shall be established and maintained a fund for the perpetual care and  
5 maintenance of such community mausoleum and columbarium, by applying in  
6 the case of a community mausoleum not less than the sum of \$100.00 from the  
7 proceeds received from the sale of each crypt and 10 percent of the proceeds  
8 received from the sale of each room; and in case of niches in a community  
9 mausoleum or columbarium, used as a repository for the remains of deceased  
10 persons after cremation, a sum which shall be equivalent to 10 percent of the  
11 sale price of each niche. In event sales of crypts or rooms in a community  
12 mausoleum, or sales of niches in a community mausoleum or columbarium ~~be~~  
13 are made upon partial payments, there shall be set apart and applied to such  
14 fund from each such partial payment such the percentage thereof as that the  
15 amount of the partial payment bears to the total purchase price of ~~such the~~  
16 crypt, room, or niche.

17 Sec. 97. 18 V.S.A. § 7105 is amended to read:

18 § 7105. ARREST OF ELOPED PERSONS

19       Any sheriff, deputy sheriff, constable, or officer of state or local police, and  
20 any officer or employee of any designated hospital, or designated program, ~~or~~  
21 ~~training school~~ may arrest any person who has eloped from a designated

1 hospital or designated program ~~or training school~~ and return such person.

2 Sec. 98. 18 V.S.A. § 7107 is amended to read:

3 § 7107. EXTRAMURAL WORK

4 Any hospital ~~or training school~~ in the State dealing with mental health may  
5 do, or procure to be done, extramural work in the way of prevention,  
6 observation, care, and consultation with respect to mental health.

7 Sec. 99. 18 V.S.A. § 7257a is amended to read:

8 § 7257a. MENTAL HEALTH CRISIS RESPONSE COMMISSION

9 \* \* \*

10 (c)(1) The Commission shall comprise the following members:

11 \* \* \*

12 (H) an individual who has a personal experience of living with a  
13 mental ~~illness~~ condition or psychiatric disability, appointed by Vermont  
14 Psychiatric Survivors;

15 \* \* \*

16 Sec. 100. 18 V.S.A. § 7304 is amended to read:

17 § 7304. PERSONS NOT HOSPITALIZED

18 The Board shall have general jurisdiction of persons with an intellectual  
19 disability or mental illness who have been discharged from a hospital ~~or~~  
20 ~~training school~~ by authority of the Board. It shall also have jurisdiction of  
21 persons with a mental illness or intellectual disability of the State not

1 hospitalized, so far as concerns their physical and mental condition and their  
2 care, management, and medical treatment and shall make such orders therein  
3 as each case duly brought to its attention requires.

4 Sec. 101. 18 V.S.A. § 7311 is amended to read:

5 § 7311. INVESTIGATION

6 If, in the judgment of the Board, an investigation is necessary, it shall  
7 appoint a time and place for hearing and give the patient's attorney, guardian,  
8 ~~and~~ spouse, parent ~~or~~ adult child, or interested party, if any, in that order, and  
9 the head of the hospital reasonable notice thereof. At the time appointed, it  
10 shall conduct a hearing and make any lawful order the case requires.

11 Sec. 102. 18 V.S.A. § 8705 is amended to read:

12 § 8705. STERILIZATION; POLICY

13 (a) It is the policy of the State of Vermont to allow voluntary and  
14 involuntary sterilizations of adults with an intellectual disability under  
15 circumstances ~~which~~ that will ensure that the best interests and rights of such  
16 persons are fully protected. In accordance with this policy, a person with an  
17 intellectual disability, as defined ~~by subdivision 7101(12) of this title~~ in  
18 1 V.S.A. § 146, may not be sterilized without his or her consent unless there is  
19 a prior hearing in the Superior Court as provided in this chapter. A person  
20 with an intellectual disability ~~under the age of 18~~ may years of age shall not be  
21 sterilized.

1 \* \* \*

2 Sec. 103. 18 V.S.A. § 8839 is amended to read:

3 § 8839. DEFINITIONS

4 As used in this subchapter:

5 \* \* \*

6 (3) “Person in need of custody, care, and habilitation” means:

7 (A)(i) a person with an intellectual disability, which means  
8 significantly subaverage intellectual functioning existing concurrently with

9 deficits in adaptive behavior that were manifest before 18 years of age; or

10 ~~(ii) a person with a traumatic brain injury;~~

11 \* \* \*

12 Sec. 104. 18 V.S.A. § 9317 is amended to read:

13 § 9317. GENERAL PROVISION

14 The Commissioner may delegate his or her powers and duties under this  
15 chapter to staff within the Department, and may adopt, pursuant to 3 V.S.A.  
16 chapter 25, ~~such rules and regulations~~ necessary for the proper and efficient  
17 administration of this chapter.

18 Sec. 105. 18 V.S.A. § 9375 is amended to read:

19 § 9375. DUTIES

20 \* \* \*

21 (b) The Board shall have the following duties:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

(7) Review and establish hospital budgets pursuant to chapter 221, subchapter 7 of this title, ~~beginning July 1, 2012.~~

(8) Review and approve, approve with conditions, or deny applications for certificates of need pursuant to chapter 221, subchapter 5 of this title, ~~beginning January 1, 2013.~~

\* \* \*

Sec. 106. 18 V.S.A. § 9375a is amended to read:

§ 9375a. EXPENDITURE ANALYSIS; UNIFIED HEALTH CARE  
BUDGET

\* \* \*

(b)(1) Annually, the Board shall prepare a three-year projection of health care expenditures made on behalf of Vermont residents, based on the format of the health care budget and expenditure analysis adopted by the Board under this section, projecting expenditures in broad sectors such as hospital, physician, home health, or pharmacy. The projection shall include estimates for:

\* \* \*

(3) The Board's projections prepared under this subsection shall be used as a tool in the evaluation of health insurance rate and trend filings with the Department of Financial Regulation, and shall be made available in connection

1 with the hospital budget review process under chapter 221, subchapter 7 of this  
2 ~~chapter~~ title, the certificate of need process under chapter 221, subchapter 5 of  
3 this ~~chapter~~ title, and the development of the Health Resource Allocation Plan.

4 \* \* \*

5 Sec. 107. 18 V.S.A. § 9419 is amended to read:

6 § 9419. CHARGES FOR ACCESS TO MEDICAL RECORDS

7 \* \* \*

8 (c) As used in this section:

9 \* \* \*

10 (3) “Individual” means a natural person, alive or dead, who is the  
11 subject of health care information and includes, when appropriate, the  
12 individual’s attorney-in-fact, legal guardian, health care agent, as defined in  
13 ~~18 V.S.A. chapter 44~~ 231 of this title, executor, or administrator.

14 Sec. 108. 18 V.S.A. § 9420 is amended to read:

15 § 9420. CONVERSION OF NONPROFIT HOSPITALS

16 \* \* \*

17 (g) Notice and hearing for public comment on application.

18 \* \* \*

19 (2) The Attorney General shall provide reasonable notice of any hearing  
20 to the parties, the Board, and the public, and may order that the parties bear the  
21 cost of notice to the public. Notice to the public shall be provided in

1 newspapers having general circulation in the region affected and shall identify  
2 the applicants and the proposed conversion. A copy of the public notice shall  
3 be sent to the ~~State health care and long-term care ombudspersons~~ Office of  
4 the Health Care Advocate, the State Long-Term Care Ombudsman, and to the  
5 Senators and members of the House of Representatives representing the county  
6 and district and to the clerk, chief municipal officer, and legislative body, of  
7 the municipality in which the nonprofit hospital is principally located. Upon  
8 receipt, the clerk shall post notice in or near the clerk's office and in at least  
9 two other public places in the municipality. Any person may testify at a  
10 hearing under this section and, within such reasonable time as the Attorney  
11 General may prescribe, file written comments with the Attorney General and  
12 Board concerning the proposed conversion.

13 \* \* \*

14 Sec. 109. 18 V.S.A. § 9421 is amended to read:

15 § 9421. PHARMACY BENEFIT MANAGEMENT; REGISTRATION;  
16 INSURER AUDIT OF PHARMACY BENEFIT MANAGER  
17 ACTIVITIES

18 \* \* \*

19 (f) As used in this section:

20 (1) "Health insurer" ~~is defined~~ shall have the same meaning as in  
21 subdivision 9471(2) of this title.



1 to develop and maintain the plan. The Director of Health Care Reform shall  
2 ensure that the strategic plan includes recommendations on how to develop  
3 Vermont's health care workforce, including:

4 \* \* \*

5 (4) ~~review~~ reviewing data on the extent to which individual health care  
6 professionals begin and cease to practice in their applicable fields in Vermont;

7 (5) ~~identify~~ identifying factors which either hinder or assist in  
8 recruitment or retention of health care professionals, including an examination  
9 of the processes for prior authorizations, and ~~make~~ making recommendations  
10 for further improving recruitment and retention efforts;

11 (6) ~~assess~~ assessing the availability of State and federal funds for health  
12 care workforce development.

13 \* \* \*

14 Sec. 112. 18 V.S.A. § 9701 is amended to read:

15 § 9701. DEFINITIONS

16 As used in this chapter:

17 (1) "Advance directive" means a written record executed pursuant to  
18 section 9703 of this title, which may include appointment of an agent,  
19 identification of a preferred primary care clinician, instructions on health care  
20 desires or treatment goals, an anatomical gift ~~as defined in subdivision 5238(1)~~  
21 ~~of this title~~, disposition of remains, and funeral goods and services. The term

1 includes documents designated under prior law as a durable power of attorney  
2 for health care or a terminal care document.

3 \* \* \*

4 (5) "Clinician" means a medical doctor licensed to practice under  
5 26 V.S.A. chapter 23, an osteopathic physician licensed pursuant to 26 V.S.A.  
6 ~~§ 1750(9) chapter 33~~, an ~~advance~~ advanced practice registered nurse licensed  
7 pursuant to 26 V.S.A. ~~§ 1572(4) chapter 28, subchapter 2~~, and a physician  
8 assistant ~~certified~~ licensed pursuant to 26 V.S.A. ~~§ 1733 chapter 31~~ acting  
9 within the scope of the license under which the clinician is practicing.

10 \* \* \*

11 Sec. 113. 20 V.S.A. § 361 is amended to read:

12 § 361. MILITARY DEPARTMENT; NATIONAL GUARD

13 (a) The ~~military department~~ Military Department, created by 3 V.S.A.  
14 § 212, shall be administered by the ~~adjutant general~~ Adjutant and Inspector  
15 General and shall include the ~~national guard~~ National Guard and all military  
16 components of the ~~state~~ State.

17 (b) The organized militia shall be known as the ~~national guard~~ National  
18 Guard, and shall consist of ~~such~~ the organizations and personnel of such arm,  
19 service, corps, or department as ~~may from time to time be required by the~~  
20 federal government may require to be maintained in the ~~state~~ State, organized  
21 in accordance with federal regulations ~~prescribed therefor by the federal~~

1 ~~government~~ and approved by the ~~governor~~ Governor. The ~~governor~~ Governor  
2 may alter, divide, annex, consolidate, disband, or reorganize the same and  
3 create new organizations, when the federal regulations prescribed by the  
4 ~~federal government shall so~~ require, in order that the ~~national guard~~ National  
5 Guard of this ~~state~~ State shall conform to any system of drill, discipline,  
6 administration, and instruction ~~now or hereafter~~ prescribed for the armed  
7 ~~forces of the United States~~ U.S. Armed Forces. The ~~governor~~ Governor shall  
8 ~~prescribe~~ adopt all necessary ~~regulations~~ rules for the government of the  
9 ~~national guard~~ National Guard pursuant to this section.

10 Sec. 114. 20 V.S.A. § 362 is amended to read:

11 § 362. FEDERAL LAWS AND REGULATIONS

12 Matters relating to the organization, discipline, training, and government of  
13 the ~~national guard~~ National Guard not otherwise provided for in this chapter,  
14 nor in the general ~~regulations~~ rules, shall be decided by the federal laws and  
15 regulations prescribed for the ~~national guard~~ National Guard and the ~~army~~  
16 U.S. Army, ~~air force~~ Air Force, or ~~navy of the United States as the case may~~  
17 ~~be, so far as the same are~~ Navy as applicable.

18 Sec. 115. 20 V.S.A. § 363 is amended to read:

19 § 363. OFFICERS GENERALLY

The ~~general assembly~~ General Assembly shall biennially elect an ~~adjutant~~  
~~and inspector general~~ Adjutant and Inspector General, who shall also be

~~quartermaster general~~ Quartermaster General with the rank of a major general. ~~Such officer~~ The Adjutant General may appoint a deputy with appropriate rank, an assistant adjutant general for army Assistant Adjutant General for Army, an assistant adjutant general for air Assistant Adjutant General for Air, an assistant adjutant general for joint operations Assistant Adjutant General for Joint Operations, a sergeant major Sergeant Major, and a chief master sergeant Chief Master Sergeant, without pay, with the approval of the ~~governor~~ Governor. The ~~adjutant general~~ Adjutant and Inspector General may remove the appointed assistant adjutant generals and sergeants and shall be responsible for their acts. Upon appointment, each ~~assistant adjutant general~~ Assistant Adjutant General shall be a federally recognized officer of the ~~national guard~~ National Guard of the rank of lieutenant colonel or above, and shall have a rank of colonel or brigadier general, and the ~~sergeant major~~ Sergeant Major shall be a federally recognized noncommissioned officer of the ~~national guard~~ National Guard of the rank of master sergeant or first sergeant *or above*, and the ~~chief master sergeant~~ Chief Master Sergeant shall be a federally recognized noncommissioned officer of the rank of senior master sergeant or first sergeant. The ~~deputy~~ Deputy, ~~assistants~~ Assistants, and ~~sergeants~~ Sergeants shall perform duties as the ~~adjutant and inspector general and quartermaster general~~ Adjutant and Inspector General and Quartermaster General shall direct. In the absence or disability of the officer, the ~~deputy~~ Deputy shall

perform the duties of that office. In case a vacancy occurs in the office of ~~adjutant~~ Adjutant and ~~inspector general~~ Inspector General and ~~quartermaster general~~ Quartermaster General, the ~~deputy~~ Deputy shall assume and discharge the duties of the office until the vacancy is filled. The appointments shall be in writing and recorded in the office of the ~~secretary of state~~ Secretary of State. All other officers of the ~~national guard~~ National Guard shall be chosen in accordance with ~~such regulations as the governor may prescribe~~ rules adopted by the Governor consistent with the laws of this ~~state~~ State and the United States.

1 Sec. 116. 20 V.S.A. § 365 is amended to read:

2 § 365. DISCHARGES TO OFFICERS

3 Discharges to commissioned officers may be granted by the ~~commander in~~  
4 ~~chief under such regulations as he or she prescribes~~ Commander-in-Chief  
5 under rules adopted by the Commander-in-Chief.

6 Sec. 117. 20 V.S.A. § 421 is amended to read:

7 § 421. DUTIES GENERALLY

8 The ~~adjutant and inspector general~~ Adjutant and Inspector General shall  
9 issue, sign, and transmit the orders of the ~~commander in chief~~ Commander-in-  
10 Chief, and the ~~regulations which~~ rules that may be established, and obey the  
11 orders from him or her as to carrying into execution the laws of the United  
12 States and of this ~~state~~ State. He or she shall be charged with the

1 correspondence between the ~~commander in chief~~ Commander-in-Chief and  
2 officers of the several states and territories, the ~~secretary of defense~~ Secretary  
3 of Defense, and other persons in official stations, on the subject of military  
4 affairs, and shall keep a record of such correspondence.

5 Sec. 118. 20 V.S.A. § 486 is amended to read:

6 § 486. PROVISION FOR PAY

7 The ~~quartermaster general~~ Quartermaster General shall provide for the pay  
8 of each officer and enlisted ~~man~~ Guard member for duty performed and  
9 authorized by in accordance with part 2 of this title ~~in accordance with the~~  
10 ~~provisions of the same~~, under ~~regulations prescribed~~ rules adopted by the  
11 ~~commander in chief~~ Commander-in-Chief.

12 Sec. 119. 20 V.S.A. § 545 is amended to read:

13 § 545. ~~REGULATIONS AS TO USE OF ARMORIES;~~ RULES

14 (a) ~~Such board~~ The Board shall establish rules ~~and regulations~~ governing  
15 the use and occupancy of ~~such~~ the armories and property, and shall cause the  
16 same to be posted conspicuously in ~~such~~ the buildings. A member of the  
17 ~~national guard~~ National Guard who violates ~~such rule or regulation~~ the rules  
18 shall be deemed guilty of a military offense, punishable as a court-martial shall  
19 direct, ~~agreeably pursuant to~~ pursuant to the provisions of sections 941 and 942 of this  
20 title.

21 (b) Fees collected under this section for rental of armories shall be credited

1 to a special fund and shall be available to the ~~department~~ Department to offset  
2 the cost of providing the services.

3 Sec. 120. 20 V.S.A. § 601 is amended to read:

4 § 601. WHEN AND BY WHOM NATIONAL GUARD CALLED OUT

5 The ~~commander in chief~~ Commander-in-Chief or, in his or her absence, the  
6 ~~lieutenant governor~~ Lieutenant Governor, or, in the absence of both, the  
7 ~~adjutant and inspector general~~ Adjutant and Inspector General, in case of riot,  
8 rebellion, or insurrection within the ~~state~~ State, or in case of great opposition  
9 to the service of legal process, whether civil or criminal, or in case of invasion  
10 or imminent danger thereof, or in case of disaster, or emergency proclaimed by  
11 the ~~governor~~ Governor, may call out the ~~national guard~~ National Guard, or  
12 such parts ~~thereof as~~ of the National Guard he or she deems necessary, and  
13 may order ~~such~~ this force into camp for instruction and drill. Until discharged  
14 by order of the ~~commander in chief~~ such Commander-in-Chief, the force shall  
15 be subject to his or her order and shall be governed by the regulations  
16 prescribed for the ~~army of the United States~~ U.S. Army; and the ~~commander in~~  
17 ~~chief~~ Commander-in-Chief may order the same into camp for instruction and  
18 drill when in his or her judgment the interests of the ~~state~~ State require.

19 Sec. 121. 20 V.S.A. § 701 is amended to read:

20 § 701. OATHS OF OFFICERS

21 A person commissioned as an officer or warrant officer of the ~~national~~

1 ~~guard~~ National Guard, within such the time as ~~the commander in chief~~ may  
2 ~~designate~~ designated by the Commander-in-Chief after such commission is  
3 tendered ~~him or her~~ to the officer, shall take and subscribe to such the oath as  
4 ~~may be prescribed~~ required by federal law and regulations before a civil  
5 officer legally qualified to administer oaths, or before a ~~national guard~~  
6 National Guard officer or warrant officer who has previously taken and  
7 subscribed ~~such~~ the oath; provided that ~~such~~ the oath shall contain obligations  
8 of allegiance to the ~~state~~ State and to the United States, and in the absence of  
9 federal law or regulations upon the subject, the oath shall be as prescribed by  
10 ~~the commander in chief~~ Commander-in-Chief. In case of neglect or refusal to  
11 take ~~such~~ the oath within the time specified, the officer shall be deemed to  
12 have resigned his or her office and a new election shall be ordered or  
13 appointment made as required by law.

14 Sec. 122. 20 V.S.A. § 702 is amended to read:

15 § 702. OATHS OF ENLISTED MEMBERS

16 At the time of their enlistment, all enlisted members of the ~~national guard~~  
17 National Guard shall take and subscribe to ~~such~~ the oath and contract ~~as shall~~  
18 ~~be~~ prescribed by federal law and regulations before a ~~national guard~~ National  
19 Guard officer or warrant officer who has taken and subscribed to the oath for  
20 officers prescribed in section 701 of this title; provided that ~~such~~ the oath shall  
21 contain obligations of allegiance to the ~~state~~ State and to the United States, ~~and~~

1 ~~in.~~ In the absence of applicable federal law or regulations ~~upon the subject,~~  
2 the oath and contract shall be as prescribed by the ~~commander in chief~~  
3 Commander-in-Chief.

4 Sec. 123. 20 V.S.A. § 703 is amended to read:

5 § 703. DUTIES OF OFFICERS

6 Commissioned officers shall obey orders received from superior officers;  
7 attend drills, parades, inspections, and reviews, prescribed or authorized by  
8 this chapter; make such returns as the ~~commander in chief~~ Commander-in-  
9 Chief directs; and under such ~~regulations~~ rules as he ~~prescribes,~~ or she adopts;  
10 perform other duties incident to their positions under the ~~constitution~~  
11 Constitution and laws of this ~~state~~ State and of the United States; and conform  
12 to ~~such regulations as are prescribed~~ rules adopted by the ~~commander in chief~~  
13 Commander-in-Chief.

14 Sec. 124. 20 V.S.A. § 704 is amended to read:

15 § 704. DUTIES OF ENLISTED MEMBERS

16 Enlisted members shall obey orders received from their officers to attend  
17 drills, parades, inspections, and reviews, directed or authorized by this chapter,  
18 prescribed for them to attend, and perform the duties incident to their  
19 respective positions, subject to the ~~regulations which the commander in chief~~  
20 prescribes rules adopted by the Commander-in-Chief.

21 Sec. 125. 20 V.S.A. § 823 is amended to read:

1 § 823. STORAGE OF PROPERTY

2 Military stores belonging to the ~~state~~ State not issued to the ~~national guard~~  
3 National Guard, and military property belonging to the United States in  
4 possession of the ~~state~~ State and not issued to the ~~national guard~~ National  
5 Guard, shall be stored in the ~~state~~ State, and the ~~commander-in-chief~~  
6 Commander-in-Chief shall ~~prescribe~~ adopt the necessary ~~regulations~~ rules to  
7 secure the safekeeping of military property issued to the ~~national guard~~  
8 National Guard.

9 Sec. 126. 20 V.S.A. § 824 is amended to read:

10 § 824. UNIFORMS AND EQUIPMENT

11 The uniforms and equipment of organizations and members of the ~~national~~  
12 ~~guard~~ National Guard shall be as prescribed and furnished by the federal  
13 government but the ~~commander-in-chief~~ Commander-in-Chief may permit  
14 ~~such modification or addition thereto~~ modifications or additions as he or she  
15 deems for the best interests of the ~~state~~ State, consistent with law and federal  
16 regulations for the government of the ~~national guard~~ National Guard.

17 Sec. 127. 20 V.S.A. § 942 is amended to read:

18 § 942. MILITARY COURTS FOR THE VERMONT NATIONAL GUARD

19 (a) Except in organizations in the service of the United States, military  
20 courts in the Vermont ~~national guard~~ National Guard are of three kinds:  
21 general, special, and summary courts-martial.

1 (b) When practicable considering finances, personnel, and administration,  
2 ~~they~~ the military courts shall be constituted like similar courts provided for by  
3 the laws and regulations governing the ~~armed forces of the United States~~ U.S.  
4 Armed Forces and shall follow the forms and procedure prescribed for those  
5 courts.

6 Sec. 128. 20 V.S.A. § 942a is amended to read:

7 § 942a. STRUCTURE OF COURTS-MARTIAL

8 (a) General court-martial. A general court-martial of the Vermont ~~national~~  
9 ~~guard~~ National Guard shall be convened only by order of the ~~governor~~  
10 Governor.

11 (1) A general court-martial may try any person subject to the military  
12 code of Vermont for a crime made punishable by the military laws of the  
13 United States and the ~~state~~ State, and may impose fines not exceeding \$200.00,  
14 sentence forfeiture of pay and allowances, reprimand, dismiss or dishonorably  
15 discharge from the service, and reduce noncommissioned officers in rank.  
16 Any two or more punishments may be combined in the sentence imposed by  
17 the court.

18 (2) The procedure by which a general court-martial shall function in  
19 view of the ~~state's~~ State's lack of manpower, and shortage of places of  
20 confinement and finances, shall be in compliance with reasonable rules and  
21 ~~regulations~~, adjusted to the peculiar characteristics of the ~~state~~ State. The rules

1 ~~and regulations~~ shall be formulated by the ~~adjutant general~~ Adjutant and  
2 Inspector General, drafted by the ~~staff judge advocate~~ Staff Judge Advocate  
3 and approved by the ~~governor~~ Governor.

4 (b) Special court-martial. The ~~adjutant general~~ Adjutant and Inspector  
5 General or the commanding officer of a battalion or similar unit may appoint a  
6 special court-martial, but the special court-martial may in any case be  
7 appointed by superior authority when ~~it~~ the superior authority considers the  
8 appointment desirable.

9 (1) A special court-martial may try any person subject to the military  
10 code of Vermont, except a commissioned or warrant officer, for any crime of a  
11 purely military nature made punishable ~~as such~~ by military law of the United  
12 States or the ~~state~~ State.

13 (2) A special court-martial has the same powers of punishment as a  
14 general court-martial, except that a fine may not exceed \$100.00.

15 (c) Summary court-martial. The commanding officer of a unit may  
16 appoint a summary court to consist of one officer who may administer oaths  
17 and may try enlisted ~~men~~ Guard members for breach of discipline and for  
18 minor violations of a military regulation governing the unit. The court, when  
19 satisfied of the guilt of the soldier, may fine him or her not exceeding \$25.00  
20 for any single offense, sentence to a reduction in rank, and declare not in  
21 excess of one month's forfeiture of pay and allowances. The proceedings shall

1 be informal.

2 (d) Appeal from convictions. Any appeal from the sentence of a court-  
3 martial by the defendant shall be taken to the ~~adjutant general~~ Adjutant and  
4 Inspector General.

5 (1) The defendant shall file written notice of appeal within 30 days of  
6 after the court's finding of guilty.

7 (2) The ~~adjutant general~~ Adjutant and Inspector General with the  
8 assistance of the ~~staff judge advocate~~ Staff Judge Advocate shall review all  
9 questions of law and fact.

10 (3) The final decision in all appeals from the special and summary  
11 courts-martial are with the ~~adjutant general~~ Adjutant and Inspector General.  
12 An appeal from the general court-martial conviction shall be reviewed by the  
13 ~~adjutant general~~ Adjutant and Inspector General as provided in this subsection.  
14 However the defendant, within

15 (4) Within 60 days after being served with the written decision of the  
16 ~~adjutant general~~ Adjutant and Inspector General, affirming in whole or in part  
17 the conviction, the defendant may appeal to the ~~governor~~ Governor, whose  
18 decision is final.

19 Sec. 129. 20 V.S.A. § 942b is amended to read:

20 § 942b. EXPENSES OF MILITARY COURTS

21 (a) The expense incident to and connected with the holding of military

1 courts in this state State under this chapter shall be paid out of the ~~general fund~~  
2 General Fund under orders, and rules ~~and regulations~~ issued by the ~~adjutant~~  
3 general Adjutant and Inspector General with the approval of the ~~governor~~  
4 Governor.

5 (b) All fines levied and collected under this section shall be paid to the  
6 state State of Vermont for deposit in the ~~state general fund~~ State's General  
7 Fund.

8 (c) For each day of duty as a member of a general court-martial, or as a  
9 witness under summons from the ~~president~~ President or ~~judge-advocate~~ Judge  
10 Advocate of the court, officers and ~~men~~ enlisted Guard members shall be paid  
11 as provided in section 603 of this title.

12 \* \* \*

13 (e) All expenses incident to conduct of military boards shall be paid for  
14 upon proper vouchers drawn against the ~~state general fund~~ State's  
15 General Fund.

16 (f) If a member of the ~~national guard~~ National Guard is prosecuted by civil  
17 or criminal action for an act performed or committed by him or her or an act  
18 caused, ordered, or directed by him or her to be done or performed in  
19 furtherance of and while in the performance of his or her military duty, the  
20 expenses of the defense of the action, civil or criminal, including ~~attorney~~  
21 attorney's fees, witness fees for the defense, defendant's court costs, and all

1 costs for transcripts of records and abstracts on appeal by the defense, shall be  
2 paid out of the ~~state general fund~~ State's General Fund.

3 Sec. 130. 20 V.S.A. § 945 is amended to read:

4 § 945. ~~REGULATIONS~~ RULES OF THE NATIONAL GUARD

5 All matters relating to the organization, government, and discipline of the  
6 ~~national guard~~ National Guard, including nonjudicial punishment similar to  
7 that provided for in the Uniform Code of Military Justice, not otherwise  
8 provided for by the laws of the United States, this chapter, or regulations  
9 issued by the ~~president~~ President, shall be governed by ~~regulations issued~~ rules  
10 adopted by the ~~adjutant general~~ Adjutant and Inspector General and approved  
11 by the ~~governor~~ Governor, and the ~~regulations when adopted,~~ rules shall have  
12 the same force and effect as though enacted in this chapter.

13 Sec. 131. 20 V.S.A. § 961 is amended to read:

14 § 961. COMMANDING OFFICER NONJUDICIAL DISCIPLINE

15 (a)(1) A commanding officer may impose nonjudicial discipline upon a  
16 service member for minor military offenses without the intervention of a court-  
17 martial in accordance with the provisions of this subchapter.

18 (2) The commanding officer who intends to impose nonjudicial  
19 discipline upon a service member shall notify him or her of the following:

20 \* \* \*

21 (C) any other nonjudicial discipline procedural rights established by

1 ~~regulation rule.~~

2 \* \* \*

3 Sec. 132. 20 V.S.A. § 1151 is amended to read:

4 § 1151. ORGANIZATION AND MAINTENANCE

5 (a) Whenever any part of the ~~national guard~~ National Guard of this state  
6 State is in active federal service, the ~~governor~~ Governor is hereby authorized  
7 to organize and maintain within this state State during such period, under ~~such~~  
8 the regulations as that the secretary Secretary of the army of the United States  
9 U.S. Army may prescribe for the organization, standards of training,  
10 instruction, and discipline, such military forces as the ~~governor~~ Governor may  
11 deem necessary to defend this state State. Such

12 (b) The forces shall be:

13 (1) composed of officers commissioned or assigned, and ~~such~~ any able-  
14 bodied citizens of the state State as shall volunteer for service therein,  
15 supplemented, if necessary, by ~~men~~ members of the unorganized militia  
16 enrolled by draft or otherwise as provided by law. ~~Such forces shall be;~~

17 (2) additional to and distinct from the ~~national guard~~ National Guard  
18 and shall be known as the Vermont ~~state guard~~. ~~Such forces shall be~~ State  
19 Guard;

20 (3) ~~uniformed. Such forces shall be; and~~

21 (4) located in places having ~~national guard~~ National Guard units

1 ~~therefrom then~~ in federal service and such other places as the ~~governor~~  
2 Governor may direct provided adequate personnel are available for such  
3 service.

4 Sec. 133. 20 V.S.A. § 1152 is amended to read:

5 § 1152. AUTHORITY OF GOVERNOR TO ~~PRESCRIBE REGULATIONS~~  
6 ADOPT RULES

7 The ~~governor~~ Governor is hereby authorized to ~~prescribe~~ adopt rules and  
8 ~~regulations~~ not inconsistent with the provisions of part 3 of this title governing  
9 the enlistment, organization, administration, equipment, maintenance, training,  
10 and discipline of ~~such~~ forces; provided, however, that ~~such~~ the rules and  
11 ~~regulations~~, insofar as he or she deems practicable and desirable, shall conform  
12 to existing law governing and pertaining to the ~~national guard~~ National Guard  
13 and the rules and ~~regulations promulgated~~ adopted thereunder, and such  
14 regulations as the ~~secretary of the army~~ Secretary of the Army may prescribe.

15 Sec. 134. 20 V.S.A. § 1153 is amended to read:

16 § 1153. EQUIPMENT AND FACILITIES

17 For the use of ~~such~~ the forces described in this chapter, the ~~governor~~  
18 Governor is hereby authorized to requisition from the ~~secretary of the army~~  
19 ~~such~~ Secretary of the Army any arms, ammunition, clothing, and equipment as  
20 that the secretary of the army Secretary of the Army, in his or her discretion  
21 and under regulations determined by him or her, is authorized to issue and to

1 make available to ~~such~~ the forces the facilities of state State armories and their  
2 equipment and ~~such~~ other state State premises and property as may be  
3 available.

4 Sec. 135. 20 V.S.A. § 1156 is amended to read:

5 § 1156. ARTICLES OF WAR IN RELATION TO COURTS-MARTIAL

6 Whenever ~~such~~ the forces described in this chapter, or any part thereof,  
7 shall be ordered out for active service, ~~the articles of war~~ Articles of War of  
8 the United States applicable to members of the ~~national guard~~ National Guard  
9 of this state State in relation to court-martial, their jurisdiction, and the limits  
10 of punishment, and the rules and regulations prescribed ~~thereunder~~ under the  
11 Articles of War shall be in full force and effect with respect to the Vermont  
12 ~~state guard~~ State Guard.

13 Sec. 136. 20 V.S.A. § 1271 is amended to read:

14 § 1271. PAY AND RATIONS

15 When the ~~state guard~~ State Guard or any part thereof shall be ordered out  
16 for active duty or for field training, they shall be entitled to the same pay and  
17 rations as the ~~national guard~~ National Guard on similar duty and shall be paid  
18 under ~~such regulations as the governor prescribes~~ rules adopted by the  
19 Governor.

20 Sec. 137. 20 V.S.A. § 1714 is amended to read:

21 § 1714. POWERS AND DUTIES OF THE BOARD OF TRUSTEES



1 provided by the gift.

2 \* \* \*

3 Sec. 138. 20 V.S.A. § 1716 is amended to read:

4 § 1716. CHIEF EXECUTIVE OFFICER

5 The Chief Executive Officer shall be the chief administrative officer of the  
6 Home and shall exercise general supervision over the business and affairs of  
7 the Home. In addition to other duties, the Chief Executive Officer shall:

8 \* \* \*

9 (7) Ensure that all laws, rules, ~~regulations~~, and policies pertaining to the  
10 Home are observed.

11 \* \* \*

12 Sec. 139. 20 V.S.A. § 2056e is amended to read:

13 § 2056e. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE  
14 DEPARTMENT OF BUILDINGS AND GENERAL SERVICES

15 \* \* \*

16 (c) The Commissioner of Buildings and General Services shall obtain from  
17 the Vermont Crime Information Center the record of Vermont convictions and  
18 pending criminal charges for any security personnel applicant after the  
19 applicant has received an offer of employment conditioned on the record  
20 check. Nothing ~~herein~~ in this section shall automatically bar a person who has  
21 a criminal record from applying or being selected for a security position.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

Sec. 140. 20 V.S.A. § 2056h is amended to read:

§ 2056h. DISSEMINATION OF CRIMINAL HISTORY RECORDS TO THE  
DEPARTMENT OF FINANCIAL REGULATION

\* \* \*

(c) The Commissioner of Financial Regulation shall obtain from the Vermont Crime Information Center the record of Vermont convictions and pending criminal charges for any banking division examiner applicant after the applicant has received an offer of employment conditioned on the record check. Nothing ~~herein~~ in this section shall automatically bar a person who has a criminal record from applying or being selected for a banking division examiner position.

\* \* \*

Sec. 141. 20 V.S.A. § 2366 is amended to read:

§ 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL  
POLICING POLICY; RACE DATE COLLECTION

(a)(1) On or before March 1, 2018, every State, ~~local~~, county, and municipal law enforcement agency and every constable who exercises law enforcement authority pursuant to 24 V.S.A. § 1936a and who is trained in compliance with section 2358 of this title shall adopt a fair and impartial policing policy that includes, at a minimum, each component of the Criminal

1 Justice Training Council’s model fair and impartial policing policy.

2 \* \* \*

3 Sec. 142. 20 V.S.A. § 2730 is amended to read:

4 § 2730. DEFINITIONS

5 \* \* \*

6 (c) For the purpose of this subchapter, subchapter 3 of this chapter, and  
7 ~~21 V.S.A. chapter 4~~ chapter 174 of this title, the words “premises,” “building,”  
8 and “structure,” or any part thereof shall mean “public building” as defined in  
9 this section.

10 \* \* \*

11 Sec. 143. 20 V.S.A. § 2731 is amended to read:

12 § 2731. RULES; INSPECTIONS; VARIANCES

13 (a) Rules. The Commissioner is authorized to adopt rules regarding the  
14 construction of buildings, maintenance and operation of premises, and  
15 prevention of fires and removal of fire hazards, and to prescribe standards  
16 necessary to protect the public, employees, and property against harm arising  
17 out of or likely to arise out of fire.

18 (b) Inspections. The Commissioner shall conduct inspections of premises  
19 to assure that the rules adopted under this subchapter are being observed and  
20 may establish priorities for enforcing these rules and standards based on the  
21 relative risks to persons and property from fire of particular types of premises.

1 The Commissioner may also conduct inspections to assure that buildings are  
2 constructed in accordance with approved plans and drawings.

3 (c) Fees. The following fire prevention and building code fees are  
4 established:

5 \* \* \*

6 (d) Permit processing. The Commissioner shall make all practical efforts  
7 to process permits in a prompt manner. The Commissioner shall establish time  
8 limits for permit processing as well as procedures and time periods within  
9 which to notify applicants whether an application is complete.

10 (e) Variances; exemptions. The Commissioner may grant variances or  
11 exemptions from rules adopted under this subchapter where strict compliance  
12 would entail practical difficulty, unnecessary hardship, or is otherwise found  
13 unwarranted, provided that:

14 \* \* \*

15 (f) State-funded building energy standards. The Commissioner shall, in  
16 State-funded buildings or new additions to State-funded buildings on which  
17 construction is begun after June 30, 2001, meet the standards contained in  
18 “The Vermont Guidelines for Energy Efficient Commercial Construction” as  
19 published in its most recent edition by the Department of Public Service.

20 (g) Definition. “Publicly funded building” as used in this section means  
21 any public building or an addition thereto that is paid for in whole or in part

1 with federal, State, or municipal monies.

2 (h) Older and historic renovations. A building owner or contractor  
3 engaged in an older and historic renovation project may propose innovative,  
4 performance-based alternatives in lieu of strict fire and building code  
5 compliance. The Commissioner shall consider such alternatives and shall  
6 accept those that provide equivalent protection of the public safety and health.  
7 A decision to accept or deny a proposed alternative shall be in writing and  
8 explain the reasons for accepting or denying the alternative.

9 (i) Plan reviews.

10 (1) The Department approves stamped architectural plans by issuing a  
11 plan review letter. If, upon final inspection, the Department requires structural  
12 changes, additional life safety modifications, or State-mandated accessibility  
13 modifications, and the modifications or changes are not the result of design or  
14 construction changes by the owner, the owner or architect:

15 \* \* \*

16 (j) Detectors. Rules adopted under this section shall require that  
17 information written, approved, and distributed by the Commissioner on the  
18 type, placement, and installation of photoelectric smoke detectors and carbon  
19 monoxide detectors be conspicuously posted in the retail sales area where the  
20 detectors are sold.

21 \* \* \*

1           (1) Energy standard certificates. Provision of a certificate as required by  
2           30 V.S.A. §§ 51 (residential building energy standards) or 53 (commercial  
3           building energy standards) shall be a condition precedent to the issuance of a  
4           certificate of use or occupancy for a public building under the rules adopted  
5           pursuant to this section.

6           Sec. 144. 20 V.S.A. § 3581 is amended to read:

7           § 3581. GENERAL REQUIREMENTS

8           (a) A person who is the owner of a dog or wolf-hybrid more than six  
9           months old shall annually on or before April 1 cause it to be registered,  
10          numbered, described, and licensed on a form approved by the Secretary for  
11          one year from that day in the office of the clerk of the municipality ~~wherein~~ in  
12          which the dog or wolf-hybrid is kept. A person who owns a working farm dog  
13          and who intends to use that dog on a farm pursuant to the exemptions in  
14          section 3549 of this title shall cause the working farm dog to be registered as a  
15          working farm dog and shall, in addition to all other fees required by this  
16          section, pay \$5.00 for a working farm dog license. The owner of a dog or  
17          wolf-hybrid shall cause it to wear a collar, and attach thereto a license tag  
18          issued by the municipal clerk. Dog or wolf-hybrid owners shall pay for the  
19          license \$4.00 for each neutered dog or wolf-hybrid, and \$8.00 for each  
20          unneutered dog or wolf-hybrid. If the license fee for any dog or wolf-hybrid is  
21          not paid ~~by~~ on or before April 1, its owner or keeper may thereafter procure a

1 license for that license year by paying a fee of 50 percent in excess of that  
2 otherwise required.

3 \* \* \*

4 Sec. 145. 21 V.S.A. § 495 is amended to read:

5 § 495. UNLAWFUL EMPLOYMENT PRACTICE

6 \* \* \*

7 (d)(1) An employee shall not have a cause of action in negligence for any  
8 injury occurring to the employee on the account of an employer complying  
9 with subdivisions ~~(a)(6)~~(a)(5) and ~~(7)(6)~~ of this section.

10 (2) A person shall not have a cause of action in negligence for any  
11 injury occurring to the person on the account of an employer complying with  
12 subdivisions ~~(a)(6)~~(a)(5) and ~~(7)(6)~~ of this section.

13 \* \* \*

14 Sec. 146. 21 V.S.A. § 495d is amended to read:

15 § 495d. DEFINITIONS

16 As used in this subchapter:

17 \* \* \*

18 (12)(A) “Reasonable accommodation” means the changes and  
19 modifications which can be made in the structure of a job or in the manner in  
20 which a job is performed unless it would impose an undue hardship on the  
21 employer.



1 employment” includes an injury caused by the willful act of a third person  
2 directed against an employee because of that employment.

3 \* \* \*

4 (E) In the case of a firefighter, as defined in 20 V.S.A. § 3151(3) and  
5 (4), who dies or has a disability from a cancer listed in subdivision ~~(iv)~~ (iii) of  
6 this subdivision (E), the firefighter shall be presumed to have had the cancer as  
7 a result of exposure to conditions in the line of duty, unless it is shown by a  
8 preponderance of the evidence that the cancer was caused by nonservice-  
9 connected risk factors or nonservice-connected exposure, provided:

10 (i)(I) ~~The~~ the firefighter completed an initial and any subsequent  
11 cancer screening evaluations as recommended by the American Cancer Society  
12 based on the age and sex of the firefighter prior to becoming a firefighter or  
13 within two years of July 1, 2007, and the evaluation indicated no evidence of  
14 cancer;

15 (ii)(II) ~~The~~ the firefighter was engaged in firefighting duties or  
16 other hazardous activities over a period of at least five years in Vermont prior  
17 to the diagnosis; and

18 (III) the firefighter is under 65 years of age.

19 ~~(iii)~~(ii) The presumption shall not apply to any firefighter who has  
20 used tobacco products at any time within 10 years of the date of diagnosis.

21 ~~(iv)~~(iii) The disabling cancer shall be limited to leukemia,

1 lymphoma, or multiple myeloma, and cancers originating in the bladder, brain,  
2 colon, gastrointestinal tract, kidney, liver, pancreas, skin, or testicles.

3 (v) ~~The firefighter is under the age of 65.~~

4 \* \* \*

5 Sec. 148. 21 V.S.A. § 624 is amended to read:

6 § 624. DUAL LIABILITY; CLAIMS, SETTLEMENT PROCEDURE

7 \* \* \*

8 (d) In the event the injured employee or personal representative settle the  
9 claim for injury or death, or commence proceedings thereon against the third  
10 party before the payment of workers' compensation, the recovery or  
11 commencement of proceedings shall not act as an election of remedies and any  
12 monies so recovered shall be applied as ~~herein~~ provided in this section.

13 \* \* \*

14 Sec. 149. 21 V.S.A. § 1502 is amended to read:

15 § 1502. DEFINITIONS

16 As used in this chapter:

17 \* \* \*

18 (11) "Professional employee" means:

19 (A) any employee engaged in work:

20 \* \* \*

21 (iii) of such character that the output produced or the result

1 accomplished cannot be standardized in relation to a given period of time; and  
2 (iv) requiring knowledge of an advanced type in a field of science  
3 or learning customarily acquired by a prolonged course of specialized  
4 intellectual instruction and study in an institution of higher learning or a  
5 hospital, as distinguished from a general academic education or from an  
6 apprenticeship or from training in the performance of routine mental, manual,  
7 or physical processes; or

8 \* \* \*

9 Sec. 150. 21 V.S.A. § 1733 is amended to read:

10 § 1733. ARBITRATION

11 \* \* \*

12 (b) Where an impasse continues for 20 days after a fact finder has made a  
13 report public under subsection 1732(e) of this title, a three-member arbitration  
14 panel shall be formed as follows:

15 \* \* \*

16 (2) The two members so selected shall within five business days select  
17 the third member of the panel to serve as Chair. If the two members fail to  
18 select a third member of the panel within five business days, the third member  
19 shall be appointed by the Superior Court for the county in which the  
20 municipality is situated, upon petition of either party, and notice to the other  
21 party.

1 \* \* \*

2 Sec. 151. 23 V.S.A. § 4 is amended to read:

3 § 4. DEFINITIONS

4 Except as may be otherwise provided herein, and unless the context  
5 otherwise requires in statutes relating to motor vehicles and enforcement of the  
6 law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the  
7 following definitions shall apply:

8 \* \* \*

9 (7) “Crosswalks” means:

10 (A) that part of a roadway at an intersection included within the  
11 connections of the lateral lines of the sidewalks on opposite sides of the  
12 highway measured from the curbs or, in the absence of curbs, from the edges  
13 of the traversable roadway; or

14 (B) any portion of a roadway at an intersection or elsewhere  
15 distinctly indicated for pedestrian crossing by lines or other markings on the  
16 surface.

17 \* \* \*

18 Sec. 152. 23 V.S.A. § 372a is amended to read:

19 § 372a. LOCAL TRANSIT PUBLIC TRANSPORTATION SERVICE

20 \* \* \*

21 (b) As used in this section, a motor bus used in public transportation

1 service is a motor bus used by a nonprofit public transit system as defined in  
2 24 V.S.A. § 5088(3), and a motor bus used in local transit is a motor bus used  
3 entirely within or not more than 100 miles beyond the boundaries of a city or  
4 town.

5 Sec. 153. 23 V.S.A. § 1006c is amended to read:

6 § 1006c. CHAIN REQUIREMENTS FOR VEHICLES WITH WEIGHT  
7 RATINGS OF MORE THAN 26,000 POUNDS

8 \* \* \*

9 (e) When signs are posted and chains required in accordance with this  
10 section, chains shall be affixed as follows on vehicles with a GVWR or a  
11 GCWR of more than 26,000 pounds:

12 \* \* \*

13 (2) Vehicles with semitrailers or trailers. A vehicle towing one or more  
14 semitrailers or trailers:

15 (A) that has a single-drive axle towing a trailer shall have chains on  
16 two tires on each side of the drive axle and on one tire on the front axle and on  
17 one tire on one of the rear axles of the trailer;

18 (B) that has a single-drive axle towing a semitrailer shall have chains  
19 on two tires on each side of the drive axle and on two tires, one on each side,  
20 of any axle of the semitrailer;

21 (C) that has a tandem-drive axle towing a trailer shall have:

1 (i) chains on two tires on each side of the primary drive axle, or if  
2 both axles of the vehicle are powered by the drive line, on one tire on each  
3 side of each drive axle; and

4 (ii) chains on one tire of the front axle and on one tire on one of  
5 the rear axles of the trailer;

6 (D) that has a tandem-drive axle towing a semitrailer shall have:

7 (i) chains on two tires on each side of the primary drive axle, or if  
8 both axles of the vehicle are powered by the drive line, on one tire on each  
9 side of each drive axle; and

10 \* \* \*

11 Sec. 154. 23 V.S.A. § 4108 is amended to read:

12 § 4108. COMMERCIAL DRIVER LICENSE, COMMERCIAL LEARNER'S  
13 PERMIT QUALIFICATION STANDARDS

14 \* \* \*

15 (f) The fee for a knowledge test and the fee for a ~~skill~~ skills test shall each  
16 be \$32.00. The fee for an endorsement test shall be \$14.00. In the event that  
17 an applicant fails a test three times, he or she may not take the test again for at  
18 least six months. A fee of \$24.00 shall be paid by the applicant before he or  
19 she may schedule a ~~skill~~ skills test. If an applicant does not appear for the  
20 scheduled ~~skill~~ skills test, the \$24.00 scheduling fee is forfeited, unless the  
21 applicant has given the Department at least 48 hours' notice of cancellation of

1 the test. If the applicant appears for the ~~skill~~ skills test, the \$24.00 scheduling  
2 fee for that test will be used as part of the test fee. Use of an interpreter is  
3 prohibited during the administration of the knowledge or skills tests.

4 \* \* \*

5 Sec. 155. 24 V.S.A. § 1168 is amended to read:

6 § 1168. RETURN OF NAMES OF LISTERS TO DIRECTOR OF THE  
7 DIVISION OF PROPERTY VALUATION AND REVIEW

8 After each annual meeting, a town clerk shall report forthwith electronically  
9 to the Director of the Division of Property Valuation and Review the name of  
10 each lister ~~therein~~ in the town, his or her post office address, and the length of  
11 his or her term of office. In like manner, a town clerk shall notify the Director  
12 of the Division of Property Valuation and Review of any lister appointed to fill  
13 a vacancy.

14 Sec. 156. 24 V.S.A. § 1402 is amended to read:

15 § 1402. APPRAISERS; OATH; FILE

16 ~~Appraisers~~ Each appraiser shall take and subscribe to an oath in form and  
17 substance as required of listers in towns and file the same in the office of the  
18 county clerk where he or she is to exercise the duties of his or her office.

19 Sec. 157. 24 V.S.A. § 1965 is amended to read:

20 § 1965. DUTIES OF THE COMMUNITY JUSTICE CENTERS

21 Each community justice center:



1 Sec. 159a. 24 V.S.A. § 4753a is amended to read:

2 § 4753a. AWARDS FROM REVOLVING LOAN FUNDS

3 (a) Pollution control. The General Assembly shall approve all categories  
4 of awards made from the special funds established by section 4753 of this title  
5 for water pollution abatement and facility construction, in order to assure that  
6 such awards conform with State policy on water quality and pollution  
7 abatement, and with the State policy that municipal entities shall receive first  
8 priority in the award of public monies for such construction, including monies  
9 returned to the revolving funds from previous awards. To facilitate this  
10 legislative oversight, the Secretary of Natural Resources shall annually on or  
11 before January 15 report to the House ~~Committee~~ Committees on Corrections  
12 and Institutions, and on Natural Resources, Fish, and Wildlife and the Senate  
13 ~~Committee~~ Committees on Institutions, ~~and the House and Senate Committees~~  
14 and on Natural Resources and Energy on all awards made from the relevant  
15 special funds during the prior and current fiscal years, and shall report on and  
16 seek legislative approval of all the types of projects for which awards are  
17 proposed to be made from the relevant special funds during the current or any  
18 subsequent fiscal year. Where feasible, the specific projects shall be listed.  
19 The provisions of 2 V.S.A. § 20(d)(expiration of required reports) shall not  
20 apply to the report to be made under this subsection.

21 \* \* \*

22 Sec. 160. 24 App. V.S.A. chapter 3, article 84 is redesignated to read:

1 Article 84. Airport Commissioners; Airport ~~Manager~~ Management

2 Sec. 161. 24 App. V.S.A. chapter 3, § 276 is redesignated to read:

3 § 276. COMPOSITION; TERMS; POWERS; ~~MANAGER~~ AIRPORT  
4 MANAGEMENT

5 Sec. 162. 24 App. V.S.A. chapter 123, § 902 is amended to read:

6 § 902. WATER SUPPLY; DUTIES OF SELECTBOARD MEMBERS

7 \* \* \*

8 (7) When any person shall be dissatisfied with the award of the  
9 Selectboard so made, in any of the cases mentioned in ~~the preceding~~ section  
10 901 of this charter, such person may petition a court of competent jurisdiction  
11 for a ~~re-assessment~~ reassessment and award of damages, and such proceedings  
12 shall be had in said court on said petition as are provided by law for the  
13 assessment of damages for land taken for highway. Said petition shall be  
14 served on the Clerk of said Town within 60 days next after said award shall be  
15 filed in the Town Clerk's office as aforesaid, but nothing in such proceedings  
16 shall prevent the Selectboard from entering on such land, and laying and  
17 constructing said aqueduct, reservoirs, and appurtenances, and using said water  
18 after their award shall have been made and the amount thereof tendered  
19 by them.

20 \* \* \*

21 Sec. 163. 24 App. V.S.A. chapter 123A, § 203 is amended to read:

1 § 203. DUTIES OF ELECTED OFFICERS

2 \* \* \*

3 (b) Moderator. The Moderator:

4 \* \* \*

5 Sec. 164. 24 App. V.S.A. chapter 403, § 54 is amended to read:

6 § 54. WITHDRAWAL OF MEMBER MUNICIPALITY

7 A member municipality may withdraw from the District upon the following  
8 terms and conditions ~~specified below~~:

9 \* \* \*

10 Sec. 165. 26 V.S.A. § 1368 is amended to read:

11 § 1368. DATA REPOSITORY; LICENSEE PROFILES

12 (a) A data repository is created within the Department of Health, ~~which~~  
13 that will be responsible for the compilation of all data required under this  
14 section, under this chapter, and under any other law or rule that requires the  
15 reporting of such information. Notwithstanding any provision of law to the  
16 contrary, licensees shall promptly report and the Department shall collect the  
17 following information to create individual profiles on all health care  
18 professionals licensed, certified, or registered by the Department, pursuant to  
19 the provisions of this title, in a format created by the Department that shall be  
20 available for dissemination to the public:

21 \* \* \*



1 creating a presumption that medical malpractice has occurred.” Nothing  
2 ~~herein~~ in this subdivision (6) shall be construed to limit or prevent the  
3 licensing authority from providing further explanatory information regarding  
4 the significance of categories in which settlements are reported.

5 (ii) Pending malpractice claims and actual amounts paid by or on  
6 behalf of a professional in connection with a malpractice judgment, award, or  
7 settlement shall not be disclosed by the Commissioner of Health or by the  
8 licensing authority to the public. Nothing ~~herein~~ in this subdivision (6) shall  
9 be construed to prevent the licensing authority from investigating and  
10 disciplining a health care professional on the basis of medical malpractice  
11 claims that are pending.

12 \* \* \*

13 (c) The profile shall include the following conspicuous statement: “This  
14 profile contains information ~~which~~ that may be used as a starting point in  
15 evaluating the professional. This profile should not, however, be your sole  
16 basis for selecting a professional.”

17 Sec. 166. 26 V.S.A. § 1734c is amended to read:

18 § 1734c. EXEMPTIONS

19 Nothing ~~herein~~ in this chapter shall be construed to require licensure under  
20 this chapter of:

21 \* \* \*

1 Sec. 167. 28 V.S.A. § 102 is amended to read:

2 § 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT;  
3 POWERS; RESPONSIBILITIES

4 (a) The Department is under the direction of the Commissioner, who shall  
5 be appointed by the Secretary of Human Services with the approval of the  
6 Governor and shall serve at the pleasure of the Secretary. The Commissioner's  
7 salary shall be fixed by the Governor within the appropriation ~~therefor~~ for that  
8 purpose.

9 \* \* \*

10 Sec. 168. [Deleted.]

11 Sec. 169. 28 V.S.A. § 204 is amended to read:

12 § 204. SUBMISSION OF WRITTEN REPORT; PROTECTION OF  
13 RECORDS

14 \* \* \*

15 (d)(1) Except as provided in subdivision (2) of this subsection, any  
16 presentence investigation report or parole summary prepared by any employee  
17 of the Department in the discharge of the employee's official duty, except as  
18 provided in subdivision 204a(b)(5) and section 205 of this title, is confidential  
19 and shall not be disclosed to anyone outside the Department other than the  
20 judge or the Parole Board.

21 (2)(A) The court or Board shall permit inspection of the presentence

1 investigation report or parole summary, redacted of information that may  
2 compromise the safety or confidentiality of any person, by the State's Attorney  
3 and by the defendant or inmate or his or her attorney; and

4 (B) the court or Board may, in its discretion, permit the inspection of  
5 the presentence investigation report or parole summary or parts thereof by  
6 other persons having a proper interest ~~therein~~ in the report or parole summary,  
7 whenever the best ~~interest~~ interests or welfare of the defendant or inmate  
8 makes that action desirable or helpful.

9 \* \* \*

10 Sec. 170. 28 V.S.A. § 452 is amended to read:

11 § 452. OFFICIAL SEAL; RECORDS

12 \* \* \*

13 (b) The Board shall keep a record of its acts and shall notify each  
14 correctional facility of its decisions relating to persons confined ~~therein~~ in that  
15 facility.

16 \* \* \*

17 Sec. 171. 29 V.S.A. § 152 is amended to read:

18 § 152. DUTIES OF COMMISSIONER

19 (a) The Commissioner of Buildings and General Services, in addition to  
20 the duties expressly set forth elsewhere by law, shall have the authority to:

21 \* \* \*



1 Housing and Conservation Board (VHCB), the Vermont Housing Finance  
2 Agency (VHFA), the Vermont Community Action Partnership, and the  
3 efficiency entity or entities appointed under subdivision 209(d)(2) of this title  
4 and such other affected persons or entities as the Commissioner considers  
5 relevant to improve the energy efficiency of both single- and multi-family  
6 affordable housing units, including multi-family housing units previously  
7 funded by VHCB and VHFA and subject to the Multifamily Energy Design  
8 Standards adopted by the VHCB and VHFA. In consultation with the other  
9 entities identified in this subsection, the Commissioner and the Director  
10 together shall report twice to the House Committee on Energy and Technology  
11 and the Senate Committees Committee on Natural Resources and Energy, on  
12 or before January 31, 2015 and 2017, respectively, on their joint efforts to  
13 improve energy savings of affordable housing units and increase the number of  
14 units assisted, including their efforts to:

15 \* \* \*

16 Sec. 173a. 30 V.S.A. § 21 is amended to read:

17 § 21. PARTICULAR PROCEEDINGS AND ACTIVITIES; ASSESSMENT  
18 OF COSTS

19 \* \* \*

20 (e) Annually, on or before January 15, each agency shall report to the  
21 Senate and House Committees Committee on Natural Resources and Energy  
22 and the House Committees on Energy and Technology and on Natural

1 Resources, Fish, and Wildlife the total amount of expenses allocated under this  
2 section during the previous fiscal year. The report shall include the name of  
3 each applicant or company to whom expenses were allocated and the amount  
4 allocated to each applicant or company. The Agency of Agriculture, Food and  
5 Markets also shall submit a copy of its report to the Senate Committee on  
6 Agriculture and the House Committee on Agriculture and Forestry.

7 \* \* \*

8 Sec. 173b. 30 V.S.A. § 218c is amended to read:

9 § 218c. LEAST-COST INTEGRATED PLANNING

10 \* \* \*

11 (d)(1) Least-cost transmission services shall be provided in accordance  
12 with this subsection. ~~Not later than~~ On or before July 1, 2006, any electric  
13 company that does not have a designated retail service territory and that owns  
14 or operates electric transmission facilities within the State of Vermont, in  
15 conjunction with any other electric companies that own or operate these  
16 facilities, jointly shall prepare and file with the Department of Public Service  
17 and the Public Utility Commission a Transmission System Plan that looks  
18 forward for a period of at least 10 years. A copy of the plan shall be filed with  
19 each of the following: the House Committees on Commerce and Economic  
20 Development and on ~~Natural Resources and Energy~~ and Technology and the  
21 Senate Committees on Finance and on Natural Resources and Energy. The  
22 objective of the Plan shall be to identify the potential need for transmission

1 system improvements as early as possible, in order to allow sufficient time to  
2 plan and implement more cost-effective nontransmission alternatives to meet  
3 reliability needs, wherever feasible. The Plan shall:

4 \* \* \*

5 Sec. 173c. 30 V.S.A. § 254 is amended to read:

6 § 254. CONSTRUCTION OR EXTENDED OPERATION OF NUCLEAR  
7 PLANT; PUBLIC ENGAGEMENT PROCESS

8 (a) ~~Time lines~~ Timelines for approval.

9 \* \* \*

10 (3) Upon completion of the studies, the Department of Public Service  
11 shall provide the studies to the Public Utility Commission and to the Senate  
12 Committees on Finance and on Natural Resources and Energy, and the House  
13 ~~Committee~~ Committees on Commerce and Economic Development, and the  
14 ~~Senate Committee on Finance~~ on Energy and Technology, together with other  
15 information requested by the General Assembly.

16 (b) Public engagement and fact-finding.

17 \* \* \*

18 (3) In conducting its part of the public engagement process, the  
19 Department shall conduct no less than three public meetings. The meetings  
20 shall be at separate locations within the State, in proximity to the nuclear  
21 energy generating facilities involved as well as in other locations as  
22 determined by the Department, and each shall be noticed by at least two

1 advertisements, each occurring between one and three weeks prior to the  
2 meetings, in newspapers having general circulation within the State and within  
3 the municipalities in which the meetings are to be held. Copies of the notices  
4 shall be provided to the Public Utility Commission, the General Assembly, the  
5 Agency of Natural Resources, the Department of Health, the Agency of  
6 Transportation, the Attorney General, and each retail electricity provider  
7 within the State. During this public engagement and fact-finding process, the  
8 Department shall have authority to retain expert witnesses, counsel, advisors,  
9 stenographic, and other research assistance it may require. The Department  
10 may compensate the same and allocate related costs, as well as the costs of  
11 procuring the studies, to the owner of the Vermont Yankee nuclear power  
12 station, in the same manner authorized for personnel in particular proceedings  
13 under sections 20 and 21 of this title. The Department shall prepare a report of  
14 the proceedings containing a discussion of the principal contentions made by  
15 members of the public, analyses by any expert witnesses or consultants  
16 retained by the Department, presentations by any State agency, and by any  
17 utility, and shall provide the same to the members of the Senate Committees  
18 on Finance and on Natural Resources and Energy, and the House Committee  
19 Committees on Commerce and Economic Development and on Energy and  
20 Technology, ~~and the Senate Committee on Finance~~, and to the public.

21 \* \* \*

1 Sec. 173d. 30 V.S.A. § 254a is amended to read:

2 § 254a. JOINT FISCAL COMMITTEE; NUCLEAR ENERGY ANALYSIS

3 (a) The Joint Fiscal Committee may authorize or retain services or  
4 resources to assist the General Assembly:

5 (1) in any legislative proceeding under or related to subsection 248(e) of  
6 this title or 10 V.S.A. chapter 157; or

7 (2) with respect to any proceedings before any State or federal court  
8 concerning a nuclear generating plant in the State and related issues.

9 (b) Persons retained pursuant to subsection (a) of this section shall work  
10 under the direction of a special committee consisting of the Chairs of the  
11 House Committees on Energy and Technology and on Natural Resources, Fish,  
12 and Wildlife and the Senate Committees Committee on Natural Resources and  
13 Energy and the Joint Fiscal Committee.

14 \* \* \*

15 Sec. 173e. 30 V.S.A. § 255 is amended to read:

16 § 255. REGIONAL COORDINATION TO REDUCE GREENHOUSE  
17 GASES

18 \* \* \*

19 (e) Reports. ~~By~~ On or before January 15 of each year, commencing in  
20 2007, the Department of Public Service in consultation with the Agency of  
21 Natural Resources and the Public Utility Commission shall provide to the  
22 House Committees on Commerce and Economic Development, on Energy and  
23 Technology, and on Natural Resources, Fish, and Wildlife and the Senate

1 Committees on Finance and on Natural Resources and Energy, ~~the Senate~~  
2 ~~Committee on Finance, and the House Committee on Commerce and~~  
3 ~~Economic Development~~ a report detailing the implementation and operation of  
4 RGGI and the revenues collected and the expenditures made under this  
5 section, together with recommended principles to be followed in the allocation  
6 of funds. The provisions of 2 V.S.A. § 20(d) (expiration of required reports)  
7 shall not apply to the report to be made under this subsection.

8 \* \* \*

9 Sec. 174. 30 V.S.A. § 504 is amended to read:

10 § 504. CERTIFICATES OF PUBLIC GOOD

11 \* \* \*

12 (c) In addition to the requirements set forth in subsection (b) of this  
13 section, the Commission shall ensure that the system provides or utilizes:

14 \* \* \*

15 (4) unless waived by the Commission, an office ~~which~~ that shall be open  
16 during usual business hours, ~~have~~ and a listed, toll-free telephone number so  
17 that complaints and requests for repairs or adjustments may be received; and

18 \* \* \*

19 Sec. 174a. 30 V.S.A. § 2811 is amended to read:

20 § 2811. SMART METERS; CUSTOMER RIGHTS; REPORTS

21 \* \* \*

22 (c) Reports. On January 1, 2014 and again on January 1, 2016, the

1 Commissioner of Public Service shall publish a report on the savings realized  
2 through the use of smart meters, as well as on the occurrence of any breaches  
3 to a company’s cyber-security infrastructure. The reports shall be based on  
4 electric company data requested by and provided to the Commissioner of  
5 Public Service and shall be in a form and in a manner the Commissioner  
6 deems necessary to accomplish the purposes of this subsection. The reports  
7 shall be submitted to the Senate Committees on Finance and on Natural  
8 Resources and Energy and the House Committees on Commerce and  
9 Economic Development ~~and on Natural Resources and on Energy and~~  
10 Technology.

11 \* \* \*

12 Sec. 175. 30 V.S.A. § 2901 is amended to read:

13 § 2901. DEFINITIONS

14 In this chapter, unless the context otherwise requires, the following words  
15 shall have the following meanings:

16 (1) “Commission~~;~~” means the Public Utility Commission of this State.

17 (2) “Legal voter~~;~~” means a person qualified to vote under the provisions  
18 of ~~24 V.S.A. § 701~~ 17 V.S.A. § 2121.

19 (3) “Municipal plant~~;~~” means any plant or system owned and operated  
20 by any municipality for the manufacture, distribution, purchase, and sale of  
21 electricity or the manufacture, distribution, purchase, and sale of gas.

1 (4) "Municipality;" means any city, town, or village within this State.

2 (5) "Utility;" means any person or corporation engaged in the  
3 manufacture, distribution, and sale of gas and electricity in this State.

4 Sec. 175a. 30 V.S.A. § 8005b is amended to read:

5 § 8005b. RENEWABLE ENERGY PROGRAMS; REPORTS

6 (a) The Department shall file reports with the General Assembly in  
7 accordance with this section.

8 (1) The House ~~Committee~~ Committees on Commerce and Economic  
9 Development, and on Energy and Technology and the Senate Committees on  
10 Economic Development, Housing and General Affairs ~~and~~<sub>2</sub> on Finance, and  
11 ~~the House and Senate Committees~~ on Natural Resources and Energy each shall  
12 receive a copy of these reports.

13 \* \* \*

14 Sec. 175b. 30 V.S.A. § 8015 is amended to read:

15 § 8015. VERMONT CLEAN ENERGY DEVELOPMENT FUND

16 \* \* \*

17 (e) Management of Fund.

18 \* \* \*

19 (3) There is created the Clean Energy Development Board, which shall  
20 consist of seven persons appointed in accordance with subdivision (4) of this  
21 subsection.

22 \* \* \*



1 under this subdivision.

2 \* \* \*

3 Sec. 175c. 30 V.S.A. § 8105 is amended to read:

4 § 8105. REPORTING

5 \* \* \*

6 (b) Beginning on March 1, 2010, and annually thereafter, the  
7 Commissioner of Public Service shall submit a report to the Senate  
8 Committees on Economic Development, Housing and General Affairs, on  
9 Finance, and on Natural Resources and Energy, and the House Committees on  
10 Ways and Means, on Commerce and Economic Development, and on ~~Natural~~  
11 ~~Resources and Energy~~ and Technology, and the Governor, which shall include  
12 an update on progress made in the development of the Vermont village green  
13 renewable projects authorized under this chapter. The report also shall include  
14 an analysis of the costs and benefits of the projects as well as any  
15 recommendations consistent with the purposes of this chapter. The provisions  
16 of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report  
17 to be made under this subsection.

18 Sec. 176. 31 V.S.A. § 601 is amended to read:

19 § 601. CONSTRUCTION AND PURPOSE

20 This chapter is based upon the taxing power and the police power of the  
21 State and provides for the establishment, licensing, regulation, and control of  
22 the pari-mutuel system of wagering on horse races, and is for the protection of

1 the public welfare and good order of the people of the State, the support and  
2 encouragement of agricultural fairs, and the improvement of the ~~breed~~  
3 breeding of horses in Vermont.

4 Sec. 177. 31 V.S.A. § 605 is amended to read:

5 § 605. RULES AND REGULATIONS

6 The Commission shall make rules ~~and regulations~~ for the holding,  
7 conducting, operating, and simulcasting of all running or harness horse or  
8 harness pony races or meets at which pari-mutuel pools are sold pursuant to  
9 the provisions of this chapter, and shall cause to be fingerprinted, under the  
10 direction of the Department of Public Safety, any and all persons working at or  
11 in connection with the operation of such horse races, or meets, including  
12 grooms, jockeys, and drivers.

13 Sec. 178. 31 V.S.A. § 610 is amended to read:

14 § 610. ISSUANCE, CONTENTS; REVOCATION

15 (a) If the Commission is satisfied that all the provisions of this chapter and  
16 the rules ~~and regulations~~ prescribed have been and will be complied with by  
17 the applicant, it may issue a license ~~which~~ that shall expire on ~~the 31st day of~~  
18 December 31. The license shall set forth the name of the licensee, the place  
19 where the races or race meets are to be held, and the time and number of days  
20 during which racing may be conducted by the licensee. It shall not be  
21 transferable or assignable.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

Sec. 179. 31 V.S.A. § 614 is amended to read:

§ 614. PENALTY

\* \* \*

(b) No person shall hold, conduct, operate, or simulcast a pari-mutuel dog race for public exhibition. Any person violating this subsection shall be fined not more than \$1,000.00 or imprisoned not more than one year, or both.

Sec. 180. 31 V.S.A. § 627 is amended to read:

§ 627. DEFICITS; ASSESSMENTS

(a) Annually as of June 30, if, after comparing all racing Commission expenditures to the total of fees paid to the Commission under sections 615 and 618 of this title, there remains a deficit, then the Commission shall, on or before August 14 next, assess all licensees under section 610 of this title, except agricultural fair licensees, an amount sufficient to cover the deficiency. These assessments shall be on an equitable and practicable basis ~~as established~~ adopted by the Commission by ~~regulation~~ rule.

\* \* \*

(c) In addition to the authority granted in subsection (b) of this section, the Commission shall have ~~such~~ the same authority to collect assessments levied under this section as granted to the Commissioner of Taxes to enforce and collect the tax on income under 32 V.S.A. chapter 151.

1 Sec. 181. [Deleted.]

2 Sec. 182. 31 V.S.A. § 661 is amended to read:

3 § 661. SALES AND PURCHASE OF LOTTERY TICKETS

4 The following acts relating to the purchase and sale of lottery tickets are  
5 prohibited:

6 \* \* \*

7 (3) No tickets ~~may~~ shall be sold to individuals who have not attained the  
8 age of majority. However, tickets may be given as gifts to minors or any other  
9 individuals except as prohibited by this chapter.

10 (4) No member of the Commission or employee of the Commission, or  
11 members of ~~the~~ the member's or employee's immediate household, ~~may~~ shall  
12 claim or receive prize money ~~hereunder~~ under this chapter.

13 Sec. 183. 31 V.S.A. § 675 is amended to read:

14 § 675. CRIMINAL PROVISIONS-ARTICLE III

15 A. No person shall sell a ticket or share in a ticket at a price greater than  
16 that fixed by the Commission. No person other than a lottery agent ~~can~~ shall  
17 sell lottery tickets. Nothing in this section shall be construed to prevent any  
18 individual purchaser from giving lottery tickets or shares to another as a gift.  
19 Any person convicted of violating this article shall be punished by  
20 imprisonment for six months and a fine of \$1,000.00.

21 \* \* \*

1 Sec. 184. [Deleted.]

2 Sec. 185. 32 V.S.A. § 639 is amended to read:

3 § 639. LIMITATION OF ACTIONS; FINAL JUDGMENTS IN CRIMINAL  
4 PROCEEDINGS

5 (a) A civil action under section 632 of this chapter for a violation of  
6 subsection 631(a) of this chapter may not be brought after the last to occur of:

7 (1) more than six years after the date on which the violation was  
8 committed; or

9 (2) more than three years after the date when facts material to the right  
10 of action are known or reasonably should have been known by the official  
11 within the Attorney General's office with responsibility to act in the  
12 circumstances, but in no event more than 10 years after the date on which the  
13 violation is committed;

14 ~~whichever occurs last.~~

15 \* \* \*

16 Sec. 186. 32 V.S.A. § 1712 is amended to read:

17 § 1712. TOWN CLERKS

18 Town clerks shall receive the following fees for issuing marriage licenses  
19 and vital event certificates:

20 (1) For issuing and recording a civil marriage license, \$60.00 to be paid  
21 by the applicant, \$10.00 of which sum shall be retained by the town clerk as a

1 fee, \$35.00 of which shall be deposited in the Domestic and Sexual Violence  
2 Special Fund created by 13 V.S.A. § 5360, and \$15.00 of which sum shall be  
3 paid by the town clerk to the State Treasurer in a return filed quarterly upon  
4 forms furnished by the State Treasurer and specifying all fees received by him  
5 or her during the quarter. Such quarterly period shall be as of the first day of  
6 January, April, July, and October.

7 (2) [Repealed.]

8 (3) [Repealed.]

9 (4) [Repealed.]

10 (5) Fees for vital event certificates shall be charged ~~and allocated~~ as  
11 specified in 18 V.S.A. § 5017.

12 Sec. 187. 32 V.S.A. § 3832 is amended to read:

13 § 3832. PUBLIC, PIOUS, AND CHARITABLE USES

14 The exemption from taxation of real and personal estate granted,  
15 sequestered, or used for public, pious, or charitable uses shall not be construed  
16 as exempting:

17 (1) Real and personal property held in trust for a municipal corporation  
18 by virtue of a trust which takes effect after ~~passage of this act~~ May 20, 1959  
19 when the property is located outside the town where the municipal corporation  
20 has its principal place of business, unless the town or municipality in which the  
21 property is located so votes at any regular or special meeting duly warned

1 therefor.

2 \* \* \*

3 Sec. 188. 32 V.S.A. § 7402 is amended to read:

4 § 7402. DEFINITIONS

5 The following definitions shall apply throughout this chapter unless the  
6 context requires otherwise:

7 \* \* \*

8 (3) "Federal estate tax liability" means for any decedent's estate, the  
9 federal estate tax payable by the estate under the laws of the United States after  
10 the allowance of all credits against ~~such~~ the estate tax provided ~~thereto~~ by the  
11 laws of the United States.

12 \* \* \*

13 Sec. 189. 32 V.S.A. § 7442a is amended to read:

14 § 7442a. IMPOSITION OF A VERMONT ESTATE TAX AND RATE OF  
15 TAX

16 \* \* \*

17 (b) The tax shall be computed as follows. The following rates shall be  
18 applied to the Vermont taxable estate:

19 Amount of Vermont Taxable Estate	Rate of Tax
20 <del>Not over</del> <u>Under</u> \$2,750,000.00	None
21 \$2,750,000.00 or more	16 percent of the excess over



1 the laws of the United States, the notification or assessment under ~~section 7485~~  
2 sections 3202 and 3203 of this title may be made within the time prescribed  
3 under subsection (a) of this section, or at any time before the expiration of six  
4 months after the date the Commissioner is notified, in writing, by the taxpayer  
5 or by the United States of the federal assertion or determination, whichever  
6 period is the later to expire;

7 \* \* \*

8 Sec. 191. 32 V.S.A. § 7487 is amended to read:

9 § 7487. DETERMINATION OF DEFICIENCY, PENALTY, OR INTEREST

10 Upon receipt of a notice of deficiency or assessment of penalty or interest  
11 under ~~section 7485~~ sections 3202 and 3203 of this title, the taxpayer may,  
12 within 60 days after the date of the notice or assessment, petition the  
13 Commissioner in writing for a determination of that deficiency or assessment.  
14 The Commissioner shall thereafter grant a hearing upon the matter and notify  
15 the taxpayer in writing of his or her determination concerning the deficiency,  
16 penalty or interest.

17 Sec. 192. 32 V.S.A. § 7490 is amended to read:

18 § 7490. PAYMENT AND COLLECTION OF DEFICIENCIES AND

19 ASSESSMENTS; JEOPARDY NOTICES

20 (a) Upon notification to a taxpayer of any deficiency, and upon assessment  
21 against the taxpayer of any penalty or interest, under ~~section 7485~~ sections

1     3202 and 3203 of this title, the amount of the assessment shall be payable  
2     forthwith and the amount of the deficiency and assessment shall be collectible  
3     by the Commissioner 30 days after the date of the notification or assessment.  
4     The collection by the Commissioner of the deficiency, penalty, or interest shall  
5     be stayed:

6             (1) If within 30 days ~~of~~ after the notification of deficiency or the  
7     assessment under ~~section 7485~~ sections 3202 and 3203 of this title the taxpayer  
8     files a petition for determination by the Commissioner in accordance with  
9     section 7487 of this title, collection shall be stayed until 30 days after the  
10    notification of the taxpayer of the determination; and

11   \* \* \*

12             (b) Notwithstanding subsection (a) of this section, the Commissioner, if he  
13    or she believes the collection from a taxpayer of any deficiency, penalty, or  
14    interest to be in jeopardy, may demand, in writing, that the taxpayer pay the  
15    deficiency, penalty, or interest forthwith. The demand may be made  
16    concurrently with, or after the notice of deficiency or the assessment of penalty  
17    or interest given to the taxpayer under ~~section 7485~~ sections 3202 and 3203 of  
18    this title. The amount of deficiency, penalty, or interest shall be collectible by  
19    the Commissioner on the date of the demand, unless the taxpayer files with the  
20    Commissioner a bond in an amount equal to the deficiency, penalty, or interest  
21    sought to be collected as security for such amount as finally may be

1 determined. In the event that it is finally determined that the taxpayer was not  
2 liable for the amount of the deficiency, penalty, or interest referred to in any  
3 demand under this subsection, the Commissioner shall reimburse the taxpayer,  
4 promptly upon such determination, for the reasonable cost to the taxpayer of  
5 any bond obtained by him or her for the purposes of this subsection.

6 Sec. 193. 32 V.S.A. § 7491 is amended to read:

7 § 7491. REMEDY EXCLUSIVE; DETERMINATION FINAL

8 (a) The exclusive remedy of a taxpayer with respect to the refund of  
9 monies paid in connection with a return filed under this chapter shall be the  
10 petition for refund provided under section 7488 of this title, and the appeal  
11 from an adverse determination of the petition for refund provided under  
12 section 7489 of this title. The exclusive remedy of a taxpayer with respect to a  
13 notification of deficiency or assessment of penalty or interest under ~~section~~  
14 ~~7485~~ sections 3202 and 3203 of this title shall be the petition for determination  
15 of the deficiency or assessment provided under section 7487 of this title, and  
16 the appeal from an adverse determination of deficiency or assessment provided  
17 under section 7489 of this title.

18 (b) Upon the failure of a taxpayer to petition in accordance with section  
19 7487 of this title from a notice of deficiency or assessment under ~~section 7485~~  
20 sections 3202 and 3203 of this title, or to appeal in accordance with section  
21 7489 of this title from a determination of a deficiency of assessment of tax

1 liability under section 7487 of this title, the taxpayer shall be bound by the  
2 terms of the notification, assessment or determination, as the case may be.

3 The taxpayer shall not thereafter contest, either directly or indirectly, the tax  
4 liability as therein set forth, in any proceeding including a proceeding upon a  
5 claim of refund of all or any part of any payment made with respect to the tax  
6 liability, or a proceeding for the enforcement or collection of all or any part of  
7 the tax liability.

8 Sec. 194. 32 V.S.A. § 7497 is amended to read:

9 § 7497. TAX LIABILITY AS PROPERTY LIEN

10 (a) If any corporation, partnership, individual, trust, or estate required to  
11 pay or remit any tax liability under this chapter neglects or refuses to pay it in  
12 accordance with this chapter after notification or assessment thereof under  
13 ~~section 7485~~ sections 3202 and 3203 of this title, the aggregate amount of the  
14 tax liability then due and owing, together with any costs that may accrue in  
15 addition thereto, shall be a lien in favor of this State upon all property and  
16 rights to property, whether real or personal, belonging to the corporation,  
17 partnership, individual, trust, or estate. The lien shall arise at the time the  
18 notification or assessment is made by the Commissioner and shall continue  
19 until the aggregate tax liability with costs is satisfied in full or becomes  
20 unenforceable by reason of lapse of time. The lien shall be valid as against  
21 any subsequent mortgagee, pledgee, purchaser, or judgment creditor when

1 notice of the lien and the sum due has been filed by the Commissioner with the  
2 clerk of the town or city in which the property subject to lien is situated, or, in  
3 the case of an unorganized town, gore, or grant, in the office of the clerk of the  
4 county wherein the property is situated. In the case of a motor vehicle, the lien  
5 shall also be valid when a notation of the lien is made on the certificate of title  
6 and shall only be valid as against any subsequent mortgagee, pledgee, bona  
7 fide purchaser or judgment creditor when such notation is made. In the case of  
8 any prior mortgage on any real or personal property so written as to secure a  
9 present debt and also future advances by the mortgagee to the mortgagor, the  
10 lien herein provided, when notice thereof has been filed in the proper clerk's  
11 office, shall be subject to the prior mortgage unless the Commissioner also  
12 notifies the mortgagee of the recording of the lien in writing, in which case  
13 any indebtedness thereafter created from the mortgagor to the mortgagee shall  
14 be junior to the lien herein provided for.

15 \* \* \*

16 Sec. 195. 33 V.S.A. § 7509 is amended to read:

17 § 7509. CONFLICT OF INTEREST

18 \* \* \*

19 (c) The Ombudsman, consistent with the requirements of the Older  
20 Americans Act, shall be able to speak on behalf of the interest of individuals  
21 receiving long-term care and to carry out all duties prescribed in this chapter

1 without being made subject to any disciplinary or retaliatory personnel or other  
2 action as a consequence of so doing. The Commissioner of Disabilities,  
3 Aging, and Independent Living shall establish a committee of ~~no~~ not fewer  
4 than five persons, who represent the interests of individuals receiving long-  
5 term care and who are not State employees, for the purpose of ensuring that  
6 the Ombudsman program is free from conflicts of interest. The Commissioner  
7 shall solicit from this committee its assessment of the Ombudsman program's  
8 capacity to operate in accordance with this ~~subsection~~ section and shall submit  
9 that assessment as an appendix to the report required under subdivision  
10 7503(10) of this title. The Department, in consultation with this committee,  
11 shall establish a process for periodic review and identification of conflicts  
12 within the Ombudsman program.

13 Sec. 196. 2016 Acts and Resolves No. 150, Sec. 4 is amended to read:

14 Sec. 4. REPORTS; RULEMAKING; BULLETIN; REVISION

15 \* \* \*

16 (b) On or before February 15, 2017, the Secretary shall report in writing to  
17 the ~~House and Senate Committees~~ Committee on Natural Resources and  
18 Energy and the House Committee on Natural Resources, Fish, and Wildlife  
19 ~~and Water Resources~~ on the Secretary's progress in adopting the rules required  
20 by Sec. 1 of this act and revising and reestablishing the environmental notice  
21 bulletin in accordance with Secs. 1 and 3 of this act.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

\* \* \*

(d) On or before February 15, 2020, the Secretary of Natural Resources shall submit a written report to the ~~House and Senate Committees~~ Committee on Natural Resources and Energy and the House Committee on Natural Resources, Fish, and Wildlife and Water Resources that:

\* \* \*

Sec. 197. INTERPRETATION

It is the intent of the General Assembly that the technical amendments in this act shall not supersede substantive changes contained in other bills enacted by the General Assembly. Where possible, the amendments in this act shall be interpreted to be supplemental to other amendments to the same sections of statute; to the extent the provisions conflict, the substantive changes in other acts shall take precedence over the technical changes in this act.

Sec. 198. REPEALS

The following are repealed:

(1) 7 V.S.A. § 507 (expiration of notices).

(2) 18 V.S.A. § 2056 (licensing of nursing home administrators).

Sec. 199. EFFECTIVE DATE

This act shall take effect on July 1, 2018.